

Uldaho Law

Digital Commons @ Uldaho Law

Idaho Supreme Court Records & Briefs, All

Idaho Supreme Court Records & Briefs

10-19-2017

Valiant Idaho, LLC v. North Idaho Resorts, LLC Clerk's Record v. 78 Dckt. 44583

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs

Recommended Citation

"Valiant Idaho, LLC v. North Idaho Resorts, LLC Clerk's Record v. 78 Dckt. 44583" (2017). *Idaho Supreme Court Records & Briefs, All*. 7058.

https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/7058

This Court Document is brought to you for free and open access by the Idaho Supreme Court Records & Briefs at Digital Commons @ Uldaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs, All by an authorized administrator of Digital Commons @ Uldaho Law. For more information, please contact annablaine@uidaho.edu.

Vol. **78** of **85**

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

ISC #44583, 44584, 44585
Bonner #CV2009-1810

Valiant Idaho, LLC
Cross-Claimant/Respondent

VS.

**North Idaho Resorts
JV, LLC
VP Incorporated**
Cross-Defendants/Appellants

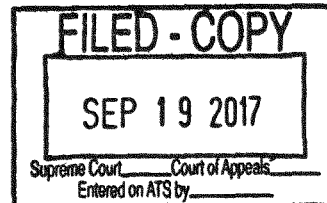
CLERK'S RECORD ON APPEAL

*Appealed from the District Court of the First Judicial District
of the State of Idaho, in and for the County of Bonner*

Richard L. Stacey
Jeff R. Sykes
Chad M. Nicholson
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Attorneys for Respondents

Gary A. Finney
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
Attorney for Appellant JV

Daniel M. Keyes
Susan P. Weeks
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Attorneys for Appellants VP and North Idaho Resorts



VOLUME LXXVIII

44583

TABLE OF CONTENTS

Title Page	Vol. I - 1
Clerk's Record on Appeal.....	Vol. I - 2
Table of Contents.....	Vol. I - 3
Index	Vol. I - 34
ROA Report for Case CV2009-1810 – printed May 10, 2017.....	Vol. I - 65
Supreme Court Order re: 44583 - Consolidating Appeal nos. 44583, 44584 and 44585 – filed 11/04/2016	Vol. I - 166
Supreme Court Order re: 44584 - Consolidating Appeal nos. 44583, 44584 and 44585 – filed 11/04/2016	Vol. I - 168
Supreme Court Order re: 44585 - Consolidating Appeal nos. 44583, 44584 and 44585 – filed 11/04/2016	Vol. I - 170
Complaint – filed 10/13/2009	Vol. I - 172
Acknowledgment of Service of Summons and Complaint (VP Inc.) – filed 04/07/2010	Vol. I - 197
Acknowledgment of Service of Summons and Complaint (North Idaho Resorts, LLC) – filed 04/07/2010	Vol. II - 199
Special Appearance on Behalf of Defendant Pensco Trust Co., Custodian FBO Barney Ng – filed 05/24/2010	Vol. II - 201
Answer, Counterclaims, Cross-claims and Third Party Complaint of Defendant ACI Northwest, Inc. – filed 08/09/2010	Vol. II - 204
Special Appearance on Behalf of Defendant Mortgage Fund '08, LLC – filed 10/05/2010	Vol. II - 228
Notice of Appearance – filed 10/14/2010	Vol. II - 233
Reply by R.E. Loans, LLC to Cross-claim by ACI Northwest, Inc. – filed 02/04/2011.....	Vol. II - 237
Affidavit of Service – filed 03/11/2011	Vol. II - 244
R.E. Loans, LLC's Answer to Complaint – filed 04/21/2011.....	Vol. II - 245
Order Granting Leave for Withdrawal of Attorney – filed 05/18/2011	Vol. II - 260
Substitution of Counsel – filed 08/29/2011	Vol. II - 264
Administrative Order – filed 09/27/2011	Vol. II - 267
Stay Order (R.E. Loans, LLC) – filed 09/29/2011.....	Vol. II - 275
Stay Order (Mortgage Fund '08, LLC) – filed 09/29/2011.....	Vol. II - 284
Notice of Appearance – filed 09/29/2011	Vol. II - 290
Assignment of District Court Cases – filed 11/15/2011	Vol. II - 295
Wells Fargo's Motion to Dismiss with Prejudice – filed 01/23/2012.....	Vol. II - 298

Affidavit of Stanley J. Tharp in Support of Defendant Wells Fargo's Motion to Dismiss with Prejudice – filed 01/23/2012	Vol. II - 302
Order Granting Defendant Wells Fargo's Motion to Dismiss with Prejudice – filed 03/16/2012	Vol. II - 312
R.E. Loans, LLC's Request to Lift the Automatic Stay – filed 06/28/2012	Vol. II - 317
Order Granting R.E. Loans, LLC's Request to Lift Automatic Stay – filed 08/24/2012.....	Vol. II - 325
Order Dismissing all Claims with Prejudice against Interstate Concrete and Asphalt Company – filed 09/13/2012	Vol. II - 330
R.E. Loans, LLC's Motion to Lift Automatic Stay (Mortgage Fund '08 LLC) – filed 06/26/2013	Vol. II - 336
Memorandum in Support of R.E. Loans, LLC's Motion to Lift Automatic Stay (Mortgage Fund '08 LLC) – filed 06/26/2013	Vol. III - 339
Affidavit of Richard L. Stacey in Support of R.E. Loans, LLC's Motion to Lift Automatic Stay – filed 06/26/2013	Vol. III - 343
R.E. Loans, LLC's Motion for Entry of Default (Genesis Golf Builders) – filed 08/12/2013.....	Vol. III - 362
Affidavit of Richard L. Stacey in Support of R.E. Loans, LLC's Motion for Entry of Default (Genesis Golf Builders) – filed 08/12/2013	Vol. III - 365
Order Granting R.E. Loans, LLC's Motion to Lift Automatic Stay (Mortgage Fund '08 LLC) – filed 08/12/2013	Vol. III - 374
R.C. Worst & Company, Inc.'s Motion for Entry of Default (Genesis Golf Builders) – filed 08/14/2013	Vol. III - 378
Default Judgment (Genesis Golf Builders) – filed 08/15/2013.....	Vol. III - 383
Order for Entry of Default (Genesis Golf Builders) – filed 08/15/2013	Vol. III - 386
Clerk's Entry of Default (Genesis Golf Builders) – filed 08/15/2013	Vol. III - 389
Order for Entry of Default (Genesis Golf Builders, Inc.) – filed 08/29/2013	Vol. III - 392
Clerk's Entry of Default (Genesis Golf Builders, Inc.) – filed 08/29/2013	Vol. III - 397
Default Judgment (Genesis Golf Builders) – filed 08/29/2013	Vol. III - 402
North Idaho Resorts, LLC's Motion for Entry of Default (Genesis Golf Builders) – filed 10/25/2013	Vol. III - 407
Affidavit of Susan P. Weeks in Support of North Idaho Resorts, LLC's Motion for Entry of Default (Genesis Golf Builders) – filed 10/25/2013	Vol. III - 412
Order for Entry of Default (Genesis Golf Builders) – filed 11/01/2013	Vol. III - 423
Default Judgment (Genesis Golf Builders) – filed 11/01/2013	Vol. III - 428
Clerk's Entry of Default (Genesis Golf Builders) – filed 11/01/2013	Vol. III - 433
R.E. Loans, LLC's Motion for Summary Judgment Against Cross-Claimant ACI Northwest, Inc. – filed 04/29/2014	Vol. III - 438
R.E. Loans, LLC's Memorandum in Support of its Motion for Summary Judgment Against Cross-claimant ACI Northwest, Inc. – filed 04/29/2014	Vol. III - 441

Declaration of Chad M. Nicholson in Support of R.E. Loans, LLC's Motion for Summary Judgment Against Cross-claimant ACI Northwest, Inc. – filed 04/29/2014	Vol. IV - 451
R.E. Loans, LLC's Motion for Summary Judgment Against Cross-Claimant R.C. Worst & Company, Inc. – filed 04/29/2014	Vol. IV - 488
R.E. Loans, LLC's Memorandum in Support of its Motion for Summary Judgment Against Cross-claimant R.C. Worst & Company, Inc. – filed 04/29/2014	Vol. IV - 491
Declaration of Richard L. Stacey in Support of R.E. Loans, LLC's Motion for Summary Judgment Against Cross-claimant R.C. Worst & Company, Inc. – filed 04/29/2014	Vol. IV - 498
Affidavit of Farley Dakan in Support of R.E. Loans, LLC's Motions for Summary Judgment – filed 04/29/2014	Vol. IV - 532
Affidavit of Charles Reeves in Support of R.E. Loans, LLC's Motions for Summary Judgment – filed 04/29/2014	Vol. V - 551
Order Dismissing R.C. Worst & Company, and All Claims, Counterclaims, and Cross Claims thereof Pursuant to Oral Offer of Resolution Advanced to the Court on May 28, 2014 – filed 06/02/2014	Vol. V - 636
Notice of Change of Firm Affiliation – filed 07/18/2014	Vol. V - 643
Findings re: R.E. Loans, LLC's Motions for Summary Judgment Against ACI Northwest, Inc. – filed 07/21/2014	Vol. V - 647
Judgment – filed 07/21/2014	Vol. V - 653
Motion to Substitute Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest – filed 07/21/2014	Vol. V - 656
Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant, Idaho LLC in Place of R.E. Loans, LLC as the Real Party in Interest – filed 07/21/2014	Vol. V - 674
Order Substituting Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest – filed 08/07/2014	Vol. V - 667
Motion to Substitute Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest – filed 08/18/2014	Vol. V - 670
Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest – filed 08/18/2014	Vol. VI - 674
Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure – filed 08/19/2014	Vol. VI - 739
Summons on Third Party Complaint brought by Third Party Plaintiff Valiant Idaho, LLC [Pend Oreille Bonner Development Holdings, Inc.] – filed 09/03/2014	Vol. VI - 768
Defendant North Idaho Resorts, LLC's Motion to Substitute Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest – filed 09/04/2014	Vol. VI - 771
Valiant Idaho, LLC's Notice of Intent to Take Default – filed 09/10/2014	Vol. VI - 776
Order Substituting Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest – filed 09/12/2014	Vol. VI - 781

JV, LLC's Special Appearance Contesting Jurisdiction; and JV, LLC's Answer to Complaint; and JV, LLC's Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure; and JV, LLC's Cross-claim; and JV, LLC's Third Party Complaint – filed 09/15/2014	Vol. VII - 784
Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure – filed 09/15/2014	Vol. VII - 844
North Idaho Resorts, LLC's Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure – filed 09/19/2014	Vol. VII - 860
Valiant Idaho, LLC's Notice of Intent to Take Default – filed 09/25/2014	Vol. VII - 874
Valiant Idaho, LLC's Motion for Entry of Default Against Cross-defendant T-O Engineers, Inc. – filed 09/26/2014	Vol. VII - 879
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Cross-defendant T-O Engineers, Inc. – filed 09/26/2014	Vol. VII - 884
Order for Entry of Default Against Cross-defendant T-O Engineers, Inc. – filed 09/26/2014	Vol. VII - 896
Clerk's Entry of Default Against Cross-defendant T-O Engineers, Inc. – filed 09/26/2014	Vol. VII - 900
ACI Northwest, Inc.'s Responsive Pleading to Valiant Idaho, LLC's Counterclaim, Cross-Claim, and Third-Party Complaint for Judicial Foreclosure – filed 09/29/2014	Vol. VII - 904
Acceptance of Service by VP, Incorporated of Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure – filed 10/03/2014	Vol. VII - 908
Valiant Idaho, LLC's Notice of Intent to Take Default – filed 10/03/2014	Vol. VII - 911
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Pend Oreille Bonner Development Holdings, Inc. – filed 10/03/2014	Vol. VII - 913
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Pend Oreille Bonner Development Holdings, Inc. – filed 10/03/2014	Vol. VIII - 918
Motion to Substitute Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest – filed 10/06/2014	Vol. VIII - 928
Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest – filed 10/06/2014	Vol. VIII - 933
Motion to Substitute Valiant Idaho, LLC in Place of Pensco Trust Co, as the Real Party in Interest – filed 10/06/2014	Vol. VIII - 941
Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest – filed 10/06/2014	Vol. VIII - 946
Order Regarding Disqualification of Judge – filed 10/06/2014	Vol. VIII - 953
VP, Incorporated's Motion to Dismiss Third Party Complaint – filed 10/06/2014	Vol. VIII - 959
Order of Reassignment – filed 10/09/2014	Vol. VIII - 963
Affidavit of Service – filed 10/20/2014	Vol. VIII - 965

Order for Entry of Default Against Third Party Defendant Pend Oreille Bonner Development Holdings, Inc. – filed 10/21/2014.....	Vol. VIII - 969
Clerk’s Entry of Default Against Third Party Defendant Pend Oreille Bonner Development Holdings, Inc. – filed 10/22/2014	Vol. VIII - 973
Motion for Leave to Amend Answer to Allege a Counterclaim and Cross-claim, and to Serve Third Party Complaint – filed 11/05/2014	Vol. VIII - 977
Memorandum in Opposition to VP, Incorporated’s Motion to Dismiss Third Party Complaint or, in the Alternative, Motion for Leave to Amend Answer to Allege a Counterclaim and Cross-claim, and to Serve Third Party Complaint – filed 11/05/2014	Vol. VIII - 982
Third Party Defendant Idaho Club Homeowner’s Association, Inc.’s Motion and Memorandum to Dismiss Claim Asserted by Third Party Plaintiff JV, LLC – filed 11/07/2014.....	Vol. VIII - 996
Third Party Defendant Panhandle Management, Incorporated’s Motion and Memorandum to Dismiss Claims Asserted by Third Party Plaintiff JV, LLC – filed 11/07/2014.....	Vol. VIII - 1006
Affidavit of Toby McLaughlin in Support of Third Party Defendant Panhandle Management Incorporated’s Motion to Dismiss Claim Asserted by Third Party Plaintiff JV, LLC – filed 11/07/2014	Vol. IX - 1015
Affidavit of Toby McLaughlin in Support of Third Party Defendant Idaho Club Homeowner’s Association Inc.’s Motion to Dismiss Claim Asserted by Third Party Plaintiff JV, LLC – filed 11/07/2014	Vol. IX - 1100
Defendant VP, Incorporated’s Request for Extension of Time to Respond to Valiant Idaho, LLC’s Motion for Leave to Amend Answer to Allege a Counterclaim and Cross-claim, and to Serve Third Party – filed 11/12/2014....	Vol. X - 1153
VP, Incorporated’s Reply on Motion to Dismiss Third Party Complaint and Response to Motion to Amend Pleadings – filed 11/14/2014	Vol. X - 1156
Order Granting Valiant Idaho, LLC Leave to Serve its Third Party Complaint – filed 11/19/2014	Vol. X - 1160
Order Granting Valiant Idaho, LLC Leave to Amend Answer to Allege a Counterclaim and Cross-Claim – filed 11/19/2014	Vol. X - 1164
Order Substituting Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest – filed 11/19/2014	Vol. X - 1168
Order Substituting Valiant Idaho, LLC in Place of Mortgage Fund ’08 LLC as the Real Party in Interest – filed 11/19/2014	Vol. X - 1171
Order Denying VP, Incorporated’s Motion to Dismiss Third Party Complaint – filed 11/19/2014	Vol. X - 1174
Stipulation to Entry of Judgment Against Pend Oreille Bonner Development, LLC – filed 11/19/2014	Vol. X - 1178
Stipulation to Entry of Judgment Against Charles W. Reeves and Anna B. Reeves – filed 11/19/2014.....	Vol. X - 1200
Stipulation to Entry of Judgment Against Pend Oreille Bonner Development Holdings, Inc. – filed 11/19/2014	Vol. X - 1221
Complaint for Judicial Foreclosure – filed 11/19/2014	Vol. X - 1242
Order Settling Trial and Pretrial Order – filed 11/20/2014	Vol. X - 1270
Order on Stipulation to Entry of Judgment Against Pend Oreille Bonner Development Holdings, Inc. – filed 11/20/2014	Vol. XI - 1276

Order on Stipulation to Entry of Judgment Against Pend Oreille Bonner Development, LLC – filed 11/20/2014	Vol. XI - 1296
Order on Stipulation to Entry of Judgment Against Charles W. Reeves and Ann B. Reeves – filed 11/20/2014 ...	Vol. XI - 1317
Valiant Idaho, LLC's Motion for Leave to Amend Third Party Complaint to Join an Additional Party – filed 11/24/2014	Vol. XI - 1337
Memorandum in Support of Valiant Idaho, LLC's Motion for Leave to Amend Third Party Complaint to Join an Additional Party – filed 11/24/2014	Vol. XI - 1371
Cross-defendant, VP, Incorporated's Request for Extension of Time to Answer or Otherwise Plead to Valiant, LLC's Amended Answer to Allege a Counter-Claim and Cross-Claim and to Serve Third Party – filed 12/01/2014	Vol. XI - 1377
Order Granting Cross-defendant, VP, Incorporated's Request for Extension of Time to Answer or Otherwise Plead to Valiant, LLC's Amended Answer to Allege a Counter-Claim and Cross-Claim and to Serve Third Party – filed 12/03/2014	Vol. XI - 1379
Valiant Idaho, LLC's Motion for Entry of Default Against Counter-Defendant Genesis Golf Builders, Inc. – filed 12/08/2014	Vol. XI - 1382
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Counter-Defendant Genesis Golf Builders, Inc. – filed 12/08/2014	Vol. XI - 1387
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Amy Korengut – filed 12/08/2014	Vol. XI - 1394
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Amy Korengut – filed 12/08/2014	Vol. XI - 1399
Affidavit of Non-Military Service in Support of Motion for Entry of Default of Amy Korengut – filed 12/08/2014	Vol. XI - 1409
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Independent Mortgage Ltd. Co. – filed 12/08/2014	Vol. XII - 1414
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Independent Mortgage Ltd. Co. – filed 12/08/2014	Vol. XII - 1419
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant C.E. Kramer Crane & Contracting, Inc. – filed 12/08/2014	Vol. XII - 1429
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant C.E. Kramer Crane & Contracting, Inc. – filed 12/08/2014	Vol. XII - 1434
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Netta Source, LLC – filed 12/08/2014	Vol. XII - 1444
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Netta Source, LLC – filed 12/08/2014	Vol. XII - 1449
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Montaheno Investments, LLC – filed 12/08/2014	Vol. XII - 1459
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Montaheno Investments, LLC – filed 12/08/2014	Vol. XII - 1464

Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Russ Capital Group, LLC – filed 12/08/2014	Vol. XII - 1474
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Russ Capital Group, LLC – filed 12/08/2014	Vol. XII - 1479
Valiant Idaho, LLC's Notice of Intent to Take Default – filed 12/08/2014	Vol. XII - 1489
Order for Entry of Default Against Amy Korengut – filed 12/10/2014.....	Vol. XII - 1495
Clerk's Entry of Default Against Amy Korengut – filed 12/10/2014.....	Vol. XII - 1498
Order for Entry of Default Against Montaheno Investments, LLC – filed 12/10/2014	Vol. XII - 1501
Clerk's Entry of Default Against Montaheno Investments, LLC – filed 12/10/2014	Vol. XII - 1504
Order for Entry of Default Against Genesis Golf Builders, Inc. – filed 12/10/2014	Vol. XII - 1507
Clerk's Entry of Default Against Genesis Golf Builders, Inc. – filed 12/10/2014	Vol. XII - 1511
Order for Entry of Default Against C.E. Kramer Crane & Contracting, Inc. – filed 12/10/2014	Vol. XII - 1515
Clerk's Entry of Default Against C.E. Kramer Crane & Contracting, Inc. – filed 12/10/2014	Vol. XII - 1518
Order of Entry of Default Against Russ Capital Group, LLC – filed 12/10/2014	Vol. XII - 1521
Clerk's Entry of Default Against Russ Capital Group, LLC – filed 12/10/2014.....	Vol. XII - 1524
Order for Entry of Default Against Netta Source, LLC – filed 12/10/2014	Vol. XII - 1527
Clerk's Entry of Default Against Netta Source, LLC – filed 12/10/2014	Vol. XII - 1530
VP, Incorporated's Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third-party Complaint for Judicial Foreclosure – filed 12/11/2014	Vol. XII - 1533
Valiant Idaho, LLC's Reply to: (1) JV LLC's Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third-party Complaint for Judicial Foreclosure; and (2) JV LLC's Cross-claim and Third Party Complaint – filed 12/15/2014.....	Vol. XII - 1541
Stipulation to Entry of Judgment Against First American Title Company of Idaho – filed 12/17/2014	Vol. XIII - 1555
Order on Stipulation to Entry of Judgment Against First American Title Company of Idaho – filed 12/17/2014	Vol. XIII - 1576
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Timberline Investments, LLC – filed 12/22/2014	Vol. XIII - 1596
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Timberline Investments, LLC – filed 12/22/2014	Vol. XIII - 1601
Stipulation to Entry of Judgment Against Dan S. Jacobson; Sage Holdings, LLC; and Steven G. Lazar – filed 01/02/2015	Vol. XIII - 1611
Order for Entry of Default Against Independent Mortgage Ltd. Co. – filed 01/06/2015	Vol. XIII - 1633
Clerk's Entry of Default Against Independent Mortgage Ltd. Co. – filed 01/06/2015	Vol. XIII - 1636

Order for Entry of Default Against Timberline Investments, LLC – filed 01/06/2015	Vol. XIII - 1639
Clerk’s Entry of Default Against Timberline Investments, LLC – filed 01/06/2015	Vol. XIII - 1642
Order on Stipulation to Entry of Judgment Against Dan S. Jacobson, Sage Holdings LLC and Steven G. Lazar – filed 01/06/2015	Vol. XIII - 1645
Stipulation for Settlement and Dismissal of JV, LLC’s Third Party Complaint Against Idaho Club Homeowner’s Association, Inc. – filed 01/09/2015.....	Vol. XIII - 1666
Stipulation to Entry of Judgment Against Idaho Club Homeowner’s Association, Inc. – filed 01/12/2015.....	Vol. XIII - 1673
Judgment (Dismissal of JV, LLC’s Third Party Complaint Against Idaho Club Homeowner’s Association, Inc.) – filed 01/15/2015	Vol. XIV - 1694
Order on Stipulation to Entry of Judgment Against Idaho Club Homeowner’s Association, Inc. – filed 01/15/2015	Vol. XIV - 1700
Valiant Idaho, LLC’s Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 01/20/2015.....	Vol. XIV - 1720
Memorandum in Support of Valiant Idaho, LLC’s Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 01/20/2015	Vol. XIV - 1725
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC’s Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 01/20/2015	Vol. XV - 1747
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC’s Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated (Continued) – filed 01/20/2015	Vol. XVI - 1884
Affidavit of Charles W. Reeves – filed 01/20/2015	Vol. XVII - 1912
Affidavit of Charles W. Reeves (Continued) – filed 01/20/2015	Vol. XVIII - 2039
Notice of Hearing on Valiant Idaho, LLC’s Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 01/20/2015	Vol. XVIII - 2070
JV, LLC’s Memorandum in Opposition to Valiant Idaho, LLC’s Motion for Summary Judgment – filed 02/02/2015	Vol. XIX - 2076
JV, LLC’s Memorandum in Opposition to Valiant Idaho, LLC’s Motion for Summary Judgment (Continued) – filed 02/02/2015	Vol. XX - 2210
JV’s Affidavit of James W. Berry Opposing Valiant’s Motion for Summary Judgment – filed 02/02/2015.....	Vol. XX - 2323
JV, LLC’s Motion to Vacate Valiant’s Hearing Date of February 18, 2015 on its Motion for Summary Judgment, Request for Continuance and Request for Hearing on Short Notice – filed 02/02/2015.....	Vol. XX - 2331
Valiant Idaho, LLC’s Motion for Entry of Default Against Third Party Defendant Bar K, Inc. – filed 02/02/2015.....	Vol. XX - 2337
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC’s Motion for Entry of Default Against Third Party Defendant Bar K, Inc. – filed 02/02/2015	Vol. XXI - 2342
Order for Entry of Default Against Bar K, Inc. – filed 02/03/2015	Vol. XXI - 2353
Clerk’s Entry of Default Against Bar K, Inc. – filed 02/03/2015	Vol. XXI - 2356

Defendants North Idaho Resorts, LLC and VP Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 02/04/2015	Vol. XXI - 2359
Request for Judicial Notice – filed 02/04/2015	Vol. XXI - 2372
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC and VP, Incorporated – filed 02/04/2015	Vol. XXI - 2392
Stipulation to Entry of Judgment Against Mountain West Bank – filed 02/04/2015	Vol. XXI - 2452
Order on Stipulation to Entry of Judgment Against Mountain West Bank – filed 02/06/2015	Vol. XXII - 2473
Amended Notice of Hearing on Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC and VP, Incorporated – filed 02/13/2015	Vol. XXII - 2493
Judgment (Pucci Construction, Inc.) – filed 02/18/2015	Vol. XXII - 2499
Judgment (ACI Northwest, Inc.) – filed 02/18/2015	Vol. XXII - 2502
JV, LLC's First Supplemental Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 02/27/2015	Vol. XXII - 2505
Defendants North Idaho Resorts, LLC and VP, Incorporated's Motion for Enlargement of Time to File Answers and Responses to Discovery Requests Propounded by Valiant Idaho, LLC – filed 03/02/2015	Vol. XXII - 2516
Memorandum in Reply to JV, LLC's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 03/11/2015.....	Vol. XXII - 2519
Supplemental Declaration of Jeff R. Sykes in Support of Memorandum in Reply to JV, LLC's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 03/11/2015.....	Vol. XXII - 2528
Memorandum in Reply to North Idaho Resorts, LLC and VP, Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 03/11/2015	Vol. XXII - 2547
Order Granting Defendants North Idaho Resorts, LLC and VP, Incorporated's Motion for Enlargement of Time to File Answers and Responses to Discovery Requests Propounded by Valiant Idaho, LLC – filed 03/12/2015	Vol. XXII - 2557
Memorandum Decision & Order Granting Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 04/14/2015	Vol. XXII - 2560
JV, LLC's Motion to Alter, Amend and to Reconsider the Court's Memorandum Decision and Order Filed 04/14/2015 and Request for Oral Argument Time/Date for a Hearing; Not Yet to be Set – filed 04/28/2015	Vol. XXII - 2579
Motion for Reconsideration and Clarification – filed 04/29/2015	Vol. XXII - 2596
Defendants North Idaho Resorts, LLC and VP, Incorporated's Motion for Enlargement of Time to File Memorandum in Support of Motion for Reconsideration and Clarification – filed 05/11/2015	Vol. XXII - 2598
Valiant Idaho, LLC's Motion for Entry of Final Judgment – filed 05/20/2015.....	Vol. XXII - 2600
Memorandum in Support of Valiant Idaho, LLC's Motion for Entry of Final Judgment – filed 05/20/2015 ...	Vol. XXII - 2605
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Final Judgment – filed 05/20/2015	Vol. XXIII - 2612

Declaration of C. Dean Shafer in Support of Valiant Idaho, LLC's Motion for Entry of Final Judgment – filed 05/20/2015
Vol. XXIII - 2627

Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendants Frederick J. Grant and Christine Grant –
filed 05/22/2015 Vol. XXIV - 2749

Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendants
Frederick J. Grant and Christine Grant – filed 05/22/2015 Vol. I - 2751

Declaration of Pamela Lemieux in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party
Defendants Frederick J. Grant and Christine Grant – filed 05/22/2015 Vol. XXIV - 2763

Defendants North Idaho Resorts, LLC and VP Incorporated's Second Motion for Enlargement of Time to File Memorandum
in Support of Motion for Reconsideration and Clarification – filed 05/26/2015 Vol. XXIV - 2771

Order for Entry of Default Against Third Party Defendants Frederick J. Grant and Christine Grant – filed 05/29/2015 Vol.
XXIV - 2773

Clerk's Entry of Default Against Third Party Defendants Frederick J. Grant and Christine Grant – filed 05/29/2015 Vol.
XXIV - 2777

Renewed Motion for Reconsideration and Clarification – filed 06/16/2015 Vol. XXIV - 2781

Memorandum in Support of Renewed Motion for Reconsideration and Clarification – filed 06/16/2015 Vol. XXIV - 2783

Memorandum Decision and Order Granting Motion for Entry of Final Judgment – filed 06/23/2015 Vol. XXIV - 2791

Defendants North Idaho Resorts, LLC and VP, Incorporated's Motion for Enlargement of Time to File Reply to Plaintiff's
Opposition to North Idaho Resorts, LLC and VP, Inc.'s Renewed Motion for Reconsideration and Clarification – filed
07/06/2015 Vol. XXIV - 2799

Memorandum in Opposition to North Idaho Resorts, LLC and VP, Inc.'s Renewed Motion for Reconsideration and
Clarification – filed 07/06/2015 Vol. XXIV - 2804

Memorandum in Opposition to JV, LLC's Motion to Alter, Amend and to Reconsider the Court's Memorandum Decision and
Order Filed 04/14/2015 – filed 07/06/2015 Vol. XXIV - 2820

Reply Memorandum in Support of Renewed Motion for Reconsideration and Clarification – filed 07/07/2015 ... Vol. XXIV -
2837

Objection to Proposed Final Judgment – filed 07/07/2015 Vol. XXIV - 2844

JV, LLC's Objection to Entry of Final Judgment – as Drafted by Valiant; and Request for a Hearing – filed 07/07/2015 Vol.
XXIV - 2847

Memorandum Decision and Order re: 1) JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated's Motions to Reconsider
2) Valiant's Request for Entry of Proposed Final Judgment and Decree of Foreclosure and Sale – filed 07/21/2015 Vol.
XXIV - 2856

Valiant Idaho, LLC's Motion for an Order of Sale of Real Property – filed 07/22/2015 Vol. XXV - 2880

Memorandum in Support of Valiant Idaho, LLC's Motion for an Order of Sale of Real Property – filed 07/22/2015 Vol. XXV
- 2912

Declaration of C. Dean Shafer in Support of Valiant Idaho, LLC's Motion for an Order of Sale of Real Property – filed
07/22/2015 Vol. XXV - 2926

Declaration of Charles W. Reeves in Support of Valiant Idaho, LLC's Motion for an Order of Sale of Real Property – filed 07/22/2015.....	Vol. XXV - 2959
JV, LLC's Motion to Alter, Amend, and Reconsider the Court's Memorandum Decision and Order re: JV, LLC's Motions to Reconsider, and JV, LLC's Motion for Partial Summary Judgment for Affirmative Relief Concerning JV, LLC's Redemption Deed and as to Valiant's Redemption Deed; and Request for Hearing – filed 07/30/2015	Vol. XXV - 2967
Objection to Motion for an Order of Sale of Real Property – filed 08/04/2015	Vol. XXV - 2981
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion for Order of Sale – filed 08/04/2015.....	Vol. XXVI - 2987
Decree of Foreclosure – filed 08/05/2015	Vol. XXVI - 3075
Judgment – filed 08/05/2015	Vol. XXVI - 3082
JV, LLC's Defendants Trial Exhibit – filed 08/11/2015	Vol. XXVI - 3088
JV, LLC's Motion to Reconsider, Alter, and Amend the Judgment [Rule 11 (b) and Rule 52 (b)]; and Request for Hearing – filed 08/18/2015	Vol. XXVI - 3095
North Idaho Resorts, LLC and VP, Inc.'s Motion to Reconsider and Motion to Alter and Amend Judgment – filed 08/19/2015	Vol. XXVII - 3114
North Idaho Resorts, LLC and VP, Inc.'s Memorandum in Support of Motion to Reconsider and Motion to Alter and Amend Judgment – filed 08/19/2015	Vol. XXVII - 3116
Affidavit of Susan P. Weeks in Support of North Idaho Resorts, LLC and VP, Inc.'s Motion to Reconsider and Motion to Alter and Amend Judgment – filed 08/19/2015	Vol. XXVII - 3133
Valiant Idaho, LLC's Motion to Amend Decree of Foreclosure – filed 08/19/2015	Vol. XXVII - 3240
Memorandum in Support of Valiant Idaho, LLC's Motion to Amend Decree of Foreclosure – filed 08/19/2015	Vol. XXVII - 3244
Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015.....	Vol. XXVII - 3249
Memorandum in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVIII - 3253
Declaration of Chad M. Nicholson in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVIII - 3276
Declaration of Charles W. Reeves in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVIII - 3280
Declaration of C. Dean Shafer in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015.....	Vol. XXVIII - 3301
Notice of Hearing on Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVIII - 3329
Notice of Special Appearance – filed 08/21/2015	Vol. XXVIII - 3334
VP Incorporated's Answer to JV, LLC's Cross-Claim – filed 08/21/2015	Vol. XXVIII - 3337

Stipulation for Settlement and for Judgment as Between Defendant VP, Inc. and North Idaho Resorts and the Defendant JV, LLC – filed 08/24/2015	Vol. XXVIII - 3340
Memorandum in Opposition to JV, LLC’s Motion to Alter, Amend and to Reconsider filed 08/18/2015 – filed 08/25/2015	Vol. XXVIII - 3367
Memorandum in Opposition to JV, LLC’s Motion to Alter, Amend and to Reconsider the Court’s Memorandum Decision and Order dated July 21, 2015 – filed 08/26/2015	Vol. XXVIII - 3376
JV’s Supplemental Motion to Alter, Amend, Set Aside the Judgment, Based on Valiant’s Motions to Change the Order of Sale and Change the Decree of Foreclosure Pursuant to Rules 11 (b); 52 (b) and Rule 60 and Notice of Hearing – filed 08/26/2015	Vol. XXIX - 3386
Affidavit of James Berry on Behalf of JV, LLC – filed 08/26/2015	Vol. XXIX - 3401
North Idaho Resorts, LLC and VP, Inc.’s Memorandum in Opposition to Valiant Idaho’s Motion to Amend Degree of Foreclosure and Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/26/2015	Vol. XXIX - 3413
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC’s Motion to Alter, Amend and/or Reconsider the Order of Sale – filed 08/26/2015	Vol. XXIX - 3424
Errata to Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC’s Motion to Alter, Amend and/or Reconsider the Order of Sale – filed 08/27/2015	Vol. XXIX - 3487
JV’s Reply to Valiant’s Memorandum in Opposition to JV’s Motion filed on 07/21/2015, and Motions to Strike – filed 08/31/2015	Vol. XXIX - 3499
Order Setting Trial and Pretrial Order – filed 09/03/2015	Vol. XXX - 3521
Memorandum Decision and Order Granting in Part Reconsideration of the July 21, 2015 Memorandum Decision & Order – filed 09/04/2015	Vol. XXX - 3527
JV, LLC’s Request for Clerk’s Minutes and Reporter’s Typed Transcript of Entire Proceeding Including the District Court’s Remarks and Rulings in Open Court on September 2, 2015 – filed 09/08/2015	Vol. XXX - 3533
Valiant Idaho, LLC’s Objection to JV, LLC’s Proposed Judgment Submitted 09/10/2015 (As Between Defendants JV, LLC and North Idaho Resorts, LLC/VP Incorporated) – filed 09/16/2015	Vol. XXX - 3538
Notice re: Proposed Judgment (as Between Defendant VP, Inc. and North Idaho Resorts and the Defendant JV, LLC) – filed 09/17/2015	Vol. XXX - 3545
Order Vacating Decree of Foreclosure Entered on August 5, 2015 – filed 09/17/2015	Vol. XXX - 3549
Order Vacating Judgment Entered on August 5, 2015 – filed 09/17/2015	Vol. XXX - 3552
Subpoena Duces Tecum to First American Tile Company – filed 09/18/2015	Vol. XXX - 3555
Second Subpoena Duces Tecum to First American Title Company – filed 09/18/2015	Vol. XXX - 3620
Valiant Idaho, LLC’s Third Motion for Summary Judgment – filed 09/25/2015	Vol. XXX - 3623
Memorandum in Support of Valiant Idaho, LLC’s Third Motion for Summary Judgment – filed 09/25/2015	Vol. XXXI - 3627
Declaration of Barney Ng in Support of Valiant Idaho, LLC’s Third Motion for Summary Judgment – filed 09/25/2015	Vol. XXXI - 3658

Valiant Idaho, LLC's Objections and Opposition to North Idaho Resorts, LLC and VP, Incorporated's Motion to Reconsider and Motion to Alter and Amend Judgment – filed 10/01/2015	Vol. XXXI - 3721
Affidavit of Service (Sandpoint Title Insurance) – filed 10/05/2015	Vol. XXXI - 3727
Affidavit of Service (First American Title) – filed 10/05/2015	Vol. XXXI - 3729
Affidavit of Service (Second on First American Title) – filed 10/05/2015	Vol. XXXI - 3731
Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence – filed 10/09/2015	Vol. XXXI - 3733
Memorandum in Support of Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence – filed 10/09/2015	Vol. XXXI - 3737
Defendants North Idaho Resorts, LLC and VP, Incorporated's Motion for Enlargement of Time to File Reply to Plaintiff's Opposition to North Idaho Resorts, LLC and VP, Inc.'s Renewed Motion for Reconsideration and Clarification – filed 10/13/2015	Vol. XXXI - 3746
JV, LLC's Objection and Memorandum in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment and JV, LLC's Motion to Strike Valiant's Third Motion for Summary Judgment and Notice of Hearing for October 23, 2015 at 1:30 p.m. – filed 10/13/2015	Vol. XXXII - 3748
Affidavit of James Berry on Behalf of JV, LLC in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment – filed 10/13/2015	Vol. XXXII - 3778
Declaration of Susan P. Weeks in Opposition to Valiant's Third Motion for Summary Judgment – filed 10/13/2015	Vol. XXXII - 3791
Defendants North Idaho Resorts, LLC and VP Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment – filed 10/13/2015.....	Vol. XXXII - 3810
Defendants North Idaho Resorts and VP, Incorporated's Motion for Judicial Notice of Barney Ng – filed 10/13/2015	Vol. XXXII - 3823
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 10/14/2015	Vol. XXXII - 3828
Motion to Strike Memoranda and Declarations/Affidavits in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment or, in the Alternative, Motion for Extension of Time to File Reply Memoranda – filed 10/16/2015	Vol. XXXII - 3864
Declaration of Chad M. Nicholson dated October 16, 2015 – filed 10/16/2015.....	Vol. XXXII - 3870
Defendants North Idaho Resorts, LLC and VP, Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence – filed 10/16/2015	Vol. XXXII - 3879
JV, LLC's Response to Valiant's Motion to Strike Inadmissible Evidence – filed 10/19/2015	Vol. XXXIII - 3884
Memorandum in Reply to Defendant JV, LLC's Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment – filed 10/20/2015	Vol. XXXIII - 3892
Memorandum in Opposition to Defendant JV, LLC's Motion to Vacate Valiant's Hearing on October 23, 2015 – filed 10/20/2015	Vol. XXXIII - 3900
Declaration of Barney Ng in Support of Valiant Idaho, LLC's Reply to North Idaho Resorts, LLC's and VP, Incorporated's Opposition to Valiant, Idaho, LLC's Third Motion for Summary Judgment – filed 10/20/2015	Vol. XXXIII - 3906

Motion to Shorten Time to Have Heard Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence – filed 10/20/2015	Vol. XXXIII - 3911
Declaration of Chad M. Nicholson dated October 20, 2015 – filed 10/20/2015.....	Vol. XXXIII - 3914
Memorandum in Reply to North Idaho Resorts, Inc. and VP, Incorporated's Opposition to Valiant, Idaho, LLC's Third Motion for Summary Judgment – filed 10/20/2015.....	Vol. XXXIII - 3924
Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence – filed 10/20/2015	Vol. XXXIII - 3940
Memorandum in Support of Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence – filed 10/20/2015 Vol. XXXIII - 3945	
Amended Notice of Trial – filed 10/21/2015.....	Vol. XXXIII - 3953
Reply to JV, LLC's Response to Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence – filed 10/21/2015..	Vol. XXXIII - 3955
Reply to Defendants North Idaho Resorts, LLC's and VP, Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence – filed 10/21/2015	Vol. XXXIII - 3962
JV, LLC's Response to Valiant's Most Recent "Filings" and JV, LLC's Objection Thereto – filed 10/21/2015	Vol. XXXIII - 3972
North Idaho Resorts, LLC and VP, Inc.'s Reply Memorandum in Support of Motion to Reconsider and Motion to Alter and Amend Judgment – filed 10/22/2015.....	Vol. XXXIII - 3982
Motion for Enlargement of Time to File North Idaho Resorts, LLC and VP, Inc.'s Reply Memorandum in Support of Motion to Reconsider and Motion to Alter and Amend Judgment – filed 10/22/2015	Vol. XXXIII - 3986
Errata to Declaration of Susan P. Weeks in Opposition to Valiant's Third Motion for Summary Judgment – filed 10/22/2015	Vol. XXXIII - 3988
Defendants North Idaho Resorts, LLC and VP, Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence – filed 10/22/2015	Vol. XXXIII - 3990
Defendants North Idaho Resorts, LLC and VP, Incorporated's Motion to Strike the Declarations of Barney Ng and Chad M. Nicholson – filed 10/22/2015	Vol. XXXIII - 3995
Defendants North Idaho Resorts, LLC and VP, Incorporated's Memorandum in Support of Motion to Strike the Declarations of Barney Ng and Chad M. Nicholson – filed 10/22/2015	Vol. XXXIII - 3997
Memorandum Decision & Order re: Motions Heard on October 23, 2015 – filed 10/30/2015	Vol. XXXIII - 4000
VP, Inc.'s Expert Witness Disclosure – filed 11/27/2015	Vol. XXXIV - 4020
VP, Inc.'s Lay Witness Disclosure – filed 11/27/2015.....	Vol. XXXIV - 4024
VP, Inc.'s Supplemental Expert Witness Disclosure – filed 12/04/2015	Vol. XXXIV - 4027
Valiant Idaho, LLC's Motion <i>In Limine</i> re: North Idaho Resorts, LLC and VP, Inc. – filed 12/15/2015	Vol. XXXIV - 4032
Valiant Idaho, LLC's Motion <i>In Limine</i> re: JV, LLC – filed 12/15/2015.....	Vol. XXXIV - 4034
Memorandum in Support of Valiant Idaho, LLC's Motion <i>In Limine</i> re: North Idaho Resorts, LLC and VP, Inc. – filed 12/15/2015	Vol. XXXIV - 4036

Memorandum in Support of Valiant Idaho, LLC's Motion <i>In Limine</i> re: North Idaho Resorts, LLC and VP, Inc.(Continued) – filed 12/15/2015.....	Vol. XXXV - 4036
Memorandum in Support of Valiant Idaho, LLC's Motion <i>In Limine</i> re: JV, LLC – filed 12/15/2015.....	Vol. XXXV - 4051
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motions <i>In Limine</i> – filed 12/15/2015	Vol. XXXV - 4057
JV, LLC's Amended Exhibit List and Documents – filed 12/22/2015	Vol. XXXV - 4205
VP, Inc.'s and North Idaho Resorts, LLC's Response to Valiant's Motion <i>In Limine</i> – filed 12/22/2015	Vol. XXXV - 4221
JV, LLC's Objection to Valiant's Motion <i>In Limine</i> – filed 12/23/2015	Vol. XXXV - 4233
Reply Memorandum in Support of Valiant Idaho, LLC's Motion <i>In Limine</i> re: North Idaho Resorts, LLC and VP, Inc. – filed 12/28/2015	Vol. XXXV - 4243
Reply Memorandum in Support of Valiant Idaho, LLC's Motion <i>In Limine</i> re: JV, LLC – filed 12/28/2015	Vol. XXXV - 4253
Declaration of Chad M. Nicholson in Support of Valiant Idaho, LLC's Reply Memoranda re: Motions <i>In Limine</i> – filed 12/28/2015	Vol. XXXV - 4258
Order re: Valiant Idaho LLC's Motions <i>In Limine</i> – filed 12/29/2015	Vol. XXXV - 4266
VP, Inc.'s Amended Supplemental Expert Witness Disclosure – filed 01/08/2016	Vol. XXXV - 4269
VP, Inc.'s Amended Supplemental Expert Witness Disclosure – filed 01/11/2016	Vol. XXXV - 4273
VP, Inc.'s Exhibit List – filed 01/14/2016	Vol. XXXVI - 4278
Valiant Idaho, LLC's Identification of Trial Exhibits – filed 01/14/2016	Vol. XXXVI - 4286
Valiant Idaho, LLC's Identification of Trial Witnesses – filed 01/14/2016	Vol. XXXVI - 4294
VP, Inc.'s Amended Exhibit List – filed 01/15/2016.....	Vol. XXXVI - 4298
Valiant Idaho, LLC's Trial Brief – filed 01/21/2016	Vol. XXXVI - 4306
JV, LLC's Trial Memorandum – filed 01/22/2016	Vol. XXXVI - 4316
JV, LLC's Second Amended Exhibit List and Documents – filed 01/22/2016	Vol. XXXVI - 4363
Valiant Idaho, LLC's Trial Brief – filed 01/25/2016	Vol. XXXVI - 4394
JV, LLC's Third Amended Exhibit List and Documents – filed 01/26/2016	Vol. XXXVI - 4404
VP, Inc.'s Motion to Amend Answer to Assert an Affirmative Defense – filed 01/27/2016	Vol. XXXVII - 4413
JV, LLC's Fourth Amended Exhibit List and Documents – filed 03/11/2016	Vol. XXXVII - 4418
Valiant Idaho, LLC's Closing Argument – filed 03/14/2016	Vol. XXXVII - 4444
Declaration of William Haberman in Support of Valiant Idaho, LLC's Closing Argument – filed 03/14/2016	Vol. XXXVII - 4471
JV, LLC's Motion to Strike the Declaration of William Haberman – filed 04/18/2016.....	Vol. XXXVII - 4476
TABLE OF CONTENTS	

VP Inc.'s Motion to Strike the Declaration of William Haberman – filed 04/21/2016	Vol. XXXVII - 4482
Memorandum in Support of VP, Inc.'s Motion to Strike the Declaration of William Haberman – filed 04/21/2016 .	Vol. XXXVII - 4484
Order Denying Motions to Strike – filed 04/27/2016	Vol. XXXVII - 4487
JV, LLC's Post Trial Memorandum and Argument – filed 05/12/2016	Vol. XXXVII - 4489
VP's Closing Argument – filed 05/12/2016	Vol. XXXVII - 4535
Valiant Idaho, LLC's Response and Rebuttal to VP, Inc.'s Closing Argument – filed 05/26/2016	Vol. XXXVIII - 4551
Valiant Idaho, LLC's Response and Objections to JV, LLC's Post-trial Memorandum and Argument – filed 05/26/2016	Vol. XXXVII - 4574
Memorandum Decision and Order re: Court Trial held on January 28 and 29, and March 16 and 17, 2016 – filed 05/27/2016	Vol. XXXVII - 4589
Judgment – filed 06/22/2016	Vol. XXXVII - 4619
Judgment (Continued) – filed 06/22/2016	Vol. XXXIX - 4693
Judgment (Continued) – filed 06/22/2016	Vol. XL - 4806
Decree of Foreclosure – filed 06/22/2016	Vol. XL - 4910
Decree of Foreclosure (Continued) – filed 06/22/2016	Vol. XLI - 4940
Valiant Idaho, LLC's Motion for an Order of Sale of Real Property – filed 06/22/2016	Vol. XLI - 4985
Memorandum in Support of Valiant Idaho, LLC's Motion for Order of Sale of Real Property – filed 06/22/2016	Vol. XLI - 4997
Objection to Valiant Idaho's Second Motion for an Order of Sale of Real Property – filed 06/29/2016	Vol. XLI - 5015
Valiant Idaho, LLC's Memorandum of Costs and Attorney's Fees – filed 07/06/2016	Vol. XLI - 5019
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum of Costs and Attorney's Fees – filed 07/06/2016	Vol. XLII - 5058
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum of Costs and Attorney's Fees – filed 07/06/2016	Vol. XLIII - 5190
Order Requiring Submissions – filed 07/14/2016	Vol. XLIII - 5264
Order Vacating Judgment – filed 07/14/2016	Vol. XLIII - 5266
Order Vacating Decree of Foreclosure entered on June 22, 2016 – filed 07/14/2016	Vol. XLIII - 5268
Order re: Sale of Real Property – filed 07/14/2016	Vol. XLIII - 5270
JV, LLC's Proposed Judgment and Decree of Foreclosure and JV, LLC's Request for Additional Time of at Least 14 Days – filed 07/15/2016	Vol. XLIII - 5274
Order re: Proposed Judgment and Proposed Decree of Foreclosure – filed 07/18/2016	Vol. XLIII - 5303

JV, LLC's Objection and Motion to Disallow Valiant's Memorandum of Fees and Costs – filed 07/18/2016	Vol. XLIV - 5306
Decree of Foreclosure – filed 07/20/2016.....	Vol. XLIV - 5317
Decree of Foreclosure (Continued) – filed 07/20/2016	Vol. XLV - 5413
VP, Inc.'s Opposition to Valiant Idaho's Memorandum of Costs and Attorney Fees – filed 07/20/2016	Vol. XLV - 5503
JV, LLC's Motion to Alter, Amend and Reconsider re: 1. Memorandum Decision and Order 2. Judgment 3. Decree of Foreclosure 4. Order of Sale, and JV, LLC's Memorandum in Support and Request for Hearing – filed 08/02/2016	Vol. XLV - 5521
Order Denying JV, LLC's Request for Oral Argument – filed 08/03/2016.....	Vol. XLV - 5540
VP, Inc.'s Motion for a New Trial – filed 08/03/2016.....	Vol. XLV - 5542
VP, Inc.'s Motion for New Trial – filed 08/03/2016	Vol. XLV - 5544
Memorandum in Support of VP, Inc.'s Motion for New Trial – filed 08/03/2016.....	Vol. XLV - 5546
Declaration of Weeks in Support of VP, Inc.'s Motion for New Trial – filed 08/03/2016.....	Vol. XLVI - 5550
VP, Inc.'s Motion to Alter, Amend, and Reconsider the Decree of Foreclosure and Judgment – filed 08/03/2016	Vol. XLVI - 5553
Memorandum in Support of VP, Inc.'s Motion to Alter, Amend, and Reconsider the Decree of Foreclosure and Judgment – filed 08/04/2016.....	Vol. XLVI - 5555
Order Denying VP, Inc.'s Request for Oral Argument on Motion to Alter, Amend and Reconsider – filed 08/04/2016	Vol. XLVI - 5575
Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion for a New Trial – filed 08/10/2016	Vol. XLVI - 5577
Valiant Idaho, LLC's Memorandum in Opposition to JV, LLC's Motion to Alter, Amend, and Reconsider re: (1) Memorandum Decision and Order; (2) Judgment; (3) Decree of Foreclosure; and (4) Order of Sale – filed 08/10/2016	Vol. XLVI - 5584
Declaration of Richard Stacey in Support of Valiant Idaho, LLC's Memorandum Responses to VP, Inc.'s and JV, LLC's Objections and Motions to Disallow Memorandum of Costs and Attorney's Fees – filed 08/10/2016 ..	Vol. XLVI - 5591
Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion to Alter, Amend and Reconsider the Decree of Foreclosure and Judgment – filed 08/10/2016.....	Vol. XLVI - 5673
Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 08/10/2016	Vol. XLVI - 5682
Declaration of Richard Stacey in Support of Valiant Idaho, LLC's Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 08/10/2016	Vol. XLVII - 5685
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion for a New Trial – filed 08/10/2016	Vol. XLVII - 5714
Valiant Idaho, LLC's Memorandum in Opposition to JV, LLC's Objection and Motion to Disallow Memorandum of Costs and Attorney's Fees – filed 08/11/2016.....	Vol. XLVII - 5728
Valiant Idaho, LLC's Memorandum in Response to VP, Inc.'s Objection and Motion to Disallow Memorandum of Costs and Attorney's Fees – filed 08/11/2016.....	Vol. XLVII - 5746

Valiant Idaho, LLC's Memorandum in Support of Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 08/11/2016	Vol. XLVII - 5770
Reply Memorandum to Valiant's Opposition to Motion for New Trial – filed 08/15/2016	Vol. XLVII - 5787
Memorandum Decision and Order Denying JV, LLC's and VP, Incorporated's Motions to Alter, Amend and Reconsider – filed 08/16/2016	Vol. XLVII - 5793
Memorandum Decision and Order Denying JV, LLC's and VP, Incorporated's Motions to Alter, Amend and Reconsider (Continued) – filed 08/16/2016	Vol. XLVIII - 5815
Memorandum Decision Order Awarding Costs and Attorney's Fees to Valiant Idaho, LLC – filed 08/22/2016	Vol. XLVIII - 5829
Judgment re: Costs and Attorneys' Fees – filed 08/22/2016	Vol. XLVIII - 5844
JV, LLC's Response, Objection and Opposition to Plaintiff's Motion for Sanctions – filed 08/24/2016	Vol. XLVIII - 5847
Declaration of Daniel M. Keyes in Support of VP and NIR's Opposition to Valiant Idaho's Motion for Sanctions – filed 08/24/2016	Vol. XLVIII - 5868
Defendant VP, Inc.'s and NIR, LLC's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Sanctions – filed 08/24/2016	Vol. XLVIII - 5886
Memorandum Decision Order Denying VP, Inc.'s Motion for New Trial – filed 08/25/2016	Vol. XLVIII - 5906
JV, LLC's Correction to its Response, Objection and Opposition to Plaintiff's Motion for Sanctions – filed 08/25/2016	Vol. XLVIII - 5920
Memorandum Decision Order Denying Valiant Idaho, LLC's Motion for Sanctions – filed 08/29/2016	Vol. XLVIII - 5925
Notice of Appeal (NIR) – filed 09/09/2016	Vol. IL - 5941
Notice of Appeal (NIR) (Continued) – filed 09/09/2016	Vol. L - 6041
Notice of Appeal by JV, LLC – filed 09/20/2016	Vol. LI - 6137
Notice of Appeal by JV, LLC (Continued) – filed 09/20/2016	Vol. LII - 6267
Writ of Execution – filed 09/21/2016	Vol. LII - 6318
Writ of Execution (Continued) – filed 09/21/2016	Vol. LIII - 6396
Sheriff's Service on Writ of Execution – filed 09/21/2016	Vol. LIII - 6507
Notice of Levy Under Writ of Execution – filed 09/21/2016	Vol. LIII - 6508
Notice of Sheriff's Sale – filed 09/21/2016	Vol. LIV - 6531
Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/21/2016	Vol. LIV - 6562
Memorandum in Support of Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/21/2016	Vol. LIV - 6566
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/21/2016	Vol. LIV - 6573

Notice of Denial of Oral Argument for Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/23/2016	Vol. LIV - 6578
Valiant Idaho, LLC's Request for Additional Transcript and Record on Appeal – filed 09/23/2016	Vol. LIV - 6581
JV, LLC's Objection to Valiant's Motion for Relief from Automatic Stay and Memorandum in Support – filed 09/26/2016	Vol. LIV - 6589
VP, Inc. and NIR, LLC's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/28/2016	Vol. LIV - 6597
Memorandum in Reply to: (1) JV, LLC's Objection; and (2) VP, Inc. and North Idaho Resorts, LLC's Opposition to Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/29/2016	Vol. LIV - 6603
Application and Declaration of Richard L. Stacey for Writ of Execution – filed 10/05/2016	Vol. LIV - 6608
Writ of Execution – filed 10/05/2016	Vol. LIV - 6611
Writ of Execution (Continued) – filed 10/05/2016	Vol. LV - 6667
Writ of Execution (Continued) – filed 10/05/2016	Vol. LVI - 6801
Application and Declaration of Richard L. Stacey for Writ of Execution Against North Idaho Resorts, LLC – filed 10/06/2016	Vol. LVI - 6804
Writ of Execution Against North Idaho Resorts, LLC – filed 10/06/2016	Vol. LVI - 6806
Application and Declaration of Richard L. Stacey for Writ of Execution Against JV, LLC – filed 10/06/2016	Vol. LVI - 6812
Writ of Execution Against JV, LLC – filed 10/06/2016	Vol. LVI - 6814
Application and Declaration of Richard L. Stacey for Writ of Execution Against VP, Incorporated – filed 10/06/2016	Vol. LVI - 6820
Writ of Execution Against VP, Incorporated – filed 10/06/2016	Vol. LVI - 6822
Notice of Appeal (VP, Inc.) – filed 10/06/2016	Vol. LVI - 6828
Notice of Appeal (VP, Inc.) (Continued) – filed 10/06/2016	Vol. LVII - 6932
Notice of Amended Appeal (NIR, LLC) – filed 10/06/2016	Vol. LVII - 7031
Notice of Amended Appeal (NIR, LLC) (Continued) – filed 10/06/2016	Vol. LVIII - 7071
Notice of Amended Appeal (NIR, LLC) (Continued) – filed 10/06/2016	Vol. LIX - 7212
Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 10/07/2016	Vol. LIX - 7230
Valiant Idaho, LLC's Request for Additional Transcript and Record on Appeal – filed 10/07/2016	Vol. LIX - 7238
Application and Declaration of Richard L. Stacey for Writ of Execution Against JV, LLC for Boundary County – filed 10/13/2016	Vol. LIX - 7253
Writ of Execution Against JV, LLC for Boundary County – filed 10/13/2016	Vol. LIX - 7255

Application and Declaration of Richard L. Stacey for Writ of Execution Against North Idaho Resorts, LLC for Boundary County – filed 10/13/2016	Vol. LIX - 7258
Writ of Execution Against North Idaho Resorts, LLC for Boundary County – filed 10/13/2016	Vol. LIX - 7260
Application and Declaration of Richard L. Stacey for Writ of Execution Against VP, Incorporated for Boundary County – filed 10/13/2016	Vol. LIX - 7263
Writ of Execution Against VP, Incorporated for Boundary County – filed 10/13/2016.....	Vol. LIX - 7265
Valiant Idaho, LLC’s Request for Additional Transcript and Record on Appeal – filed 10/20/2016	Vol. LIX - 7268
Valiant Idaho, LLC’s Amended Request for Additional Transcript and Record on Appeal – filed 10/20/2016.....	Vol. I - 7279
Notice of Levy (268811) – filed 10/31/2016	Vol. LIX - 7283
Writ of Execution Against VP, Incorporated for Boundary County (268811) – filed 10/31/2016.....	Vol. LIX - 7285
Notice of Sheriff’s Sale (268812) – filed 10/31/2016.....	Vol. LIX - 7288
Notice of Levy (268813) – filed 10/31/2016	Vol. LIX - 7291
Writ of Execution Against North Idaho Resorts, LLC for Boundary County (268813) – filed 10/31/2016	Vol. LIX - 7294
Notice of Sheriff’s Sale (268814) – filed 10/31/2016.....	Vol. LIX - 7297
Notice of Levy (268815) – filed 10/31/2016	Vol. LIX - 7300
Writ of Execution Against JV, LLC for Boundary County (268815) – filed 10/31/2016	Vol. LIX - 7303
Notice of Sheriff’s Sale (268816) – filed 10/31/2016.....	Vol. LIX - 7306
Cash Bond posted by JV, LLC \$21,154.60 – posted 11/02/2016	Vol. LIX - 7309
JV, LLC’s Motion and Application for Stay of Execution Upon Posting a Cash Deposit by JV, LLC [IAR 13 (b) 15] – filed 11/02/2016.....	Vol. LIX - 7311
JV, LLC’s Third Party Claim (Idaho Code 11-203) – filed 11/02/2016.....	Vol. LX - 7341
Notice of Hearing – filed 11/03/2016	Vol. LX - 7357
Valiant Idaho, LLC’s Motion Contesting JV, LLC’s Third Party Claim; and Opposition to JV, LLC’s Motion for Stay of Execution – filed 11/03/2016.....	Vol. LX - 7361
Memorandum in Support of Valiant Idaho, LLC’s Motion Contesting JV, LLC’s Third Party Claim; and Opposition to JV, LLC’s Motion for Stay of Execution – filed 11/03/2016.....	Vol. LX - 7364
Motion to Shorten Time to Have Heard Valiant Idaho, LLC’s (1) Motion Contesting JV, LLC’s Third Party Claim; and Opposition to JV, LLC’s Motion for Stay of Execution; and (2) Motion for Sanctions under IC 12-123 and IRCP 11 – filed 11/03/2016	Vol. LX - 7369
Order Shortening Time to Have Heard Valiant Idaho, LLC’s (1) Motion Contesting JV, LLC’s Third Party Claim; and Opposition to JV, LLC’s Motion for Stay of Execution; and (2) Motion for Sanctions under IC 12-123 and IRCP 11 – filed 11/03/2016	Vol. LX - 7372
Valiant Idaho, LLC’s Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 11/03/2016	Vol. LX - 7375

Valiant Idaho, LLC's Memorandum in Support of Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 11/03/2016	Vol. LX - 7378
Supplemental Memorandum in Support of Valiant Idaho, LLC's Motion Contesting JV, LLC's Third Party Claim; and Opposition to JV, LLC's Motion for Stay of Execution – filed 11/04/2016	Vol. LX - 7387
Declaration of Sally Mitchell in Support of Supplemental Memorandum Supporting Valiant Idaho, LLC's Motion Contesting JV, LLC's Third Party Claim; and Opposition to JV, LLC's Motion for Stay of Execution – filed 11/04/2016	Vol. LX - 7392
Order re: JV, LLC's Third Party Claim and Motion for Stay of Execution – filed 11/04/2016	Vol. LX - 7399
Memorandum Decision Order Granting Valiant Idaho, LLC's Motion for Sanctions – filed 11/14/2016 .	Vol. LX - 7402
Sheriff's Certificate on Return of Service, Writ of Execution (NIR) – filed 11/18/2016	Vol. LX - 7411
Writ of Execution Against North Idaho Resorts, LLC for Boundary County – filed 11/18/2016	Vol. LX - 7413
Sheriff's Certificate on Return of Service, Writ of Execution (VP, Inc.)– filed 11/18/2016	Vol. LX - 7424
Writ of Execution Against VP, Incorporated for Boundary County – filed 11/18/2016.....	Vol. LX - 7426
Withdrawal of Application for Stay - filed 11/22/2016	Vol. LX - 7436
Valiant Idaho, LLC's Memorandum of Costs and Attorneys' Fees Against JV, LLC – filed 11/25/2016...	Vol. LX - 7438
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum of Costs and Attorneys' Fees Against JV, LLC – filed 11/25/2016	Vol. LX - 7442
JV's Objection, and Motion to Disallow Valiant's Memorandum of Attorney Costs and Fees – filed 12/02/2016	Vol. LX - 7447
Order Imposing Rule 11 Sanctions – filed 12/06/2016.....	Vol. LX - 7458
Judgment re: Rule 11 Sanctions – filed 12/06/2016	Vol. LX - 7462
Writ of Execution – filed 12/22/2016	Vol. LXI - 7464
Writ of Execution (Continued) – filed 12/22/2016	Vol. LXII - 7594
Notice of Levy Under Writ of Execution – filed 12/22/2016	Vol. LXII - 7657
Sheriff's Return on Sale – filed 12/22/2016	Vol. LXII - 7680
Sheriff's Return on Writ of Execution – filed 12/22/2016	Vol. LXII - 7714
Notice of Sheriff's Sale – filed 12/22/2016	Vol. LXIII - 7715
Sheriff's Certificate of Sale (Idaho Club – Parcel 1) – filed 12/22/2016	Vol. LXII - 7747
Sheriff's Certificate of Sale (Idaho Club – Parcel 2) – filed 12/22/2016	Vol. LXII - 7750
Sheriff's Certificate of Sale (Idaho Club – Parcel 5) – filed 12/22/2016	Vol. LXII - 7754
Sheriff's Certificate of Sale (Idaho Club – Parcel 8) – filed 12/22/2016	Vol. LXII - 7761
Sheriff's Certificate of Sale (Idaho Club – Parcel 9) – filed 12/22/2016	Vol. LXII - 7764

Sheriff's Certificate of Sale (Idaho Club – Parcel 10) – filed 12/22/2016	Vol. LXII - 7767
Sheriff's Certificate of Sale (Idaho Club – Parcel 11) – filed 12/22/2016	Vol. LXII - 7770
Sheriff's Certificate of Sale (Idaho Club – Parcel 12) – filed 12/22/2016	Vol. LXII - 7773
Sheriff's Certificate of Sale (Idaho Club – Parcel 13) – filed 12/22/2016	Vol. LXII - 7776
Sheriff's Certificate of Sale (Idaho Club – Parcel 14) – filed 12/22/2016	Vol. LXII - 7779
Sheriff's Certificate of Sale (Idaho Club – Parcel 15) – filed 12/22/2016	Vol. LXII - 7782
Sheriff's Certificate of Sale (Idaho Club – Parcel 16) – filed 12/22/2016	Vol. LXII - 7785
Sheriff's Certificate of Sale (Idaho Club – Parcel 17) – filed 12/22/2016	Vol. LXII - 7788
Sheriff's Certificate of Sale (Idaho Club – Parcel 19) – filed 12/22/2016	Vol. LXII - 7791
Sheriff's Certificate of Sale (Idaho Club – Parcel 20) – filed 12/22/2016	Vol. LXII - 7795
Sheriff's Certificate of Sale (Idaho Club – Parcel 21) – filed 12/22/2016	Vol. LXII - 7798
Sheriff's Certificate of Sale (Idaho Club – Parcel 22) – filed 12/22/2016	Vol. LXII - 7801
Sheriff's Certificate of Sale (Idaho Club – Parcel 23) – filed 12/22/2016	Vol. LXII - 7804
Sheriff's Certificate of Sale (Idaho Club – Parcel 24) – filed 12/22/2016	Vol. LXII - 7807
Sheriff's Certificate of Sale (Idaho Club – Parcel 25) – filed 12/22/2016	Vol. LXII - 7810
Sheriff's Certificate of Sale (Idaho Club – Parcel 26) – filed 12/22/2016	Vol. LXII - 7813
Sheriff's Certificate of Sale (Idaho Club – Parcel 27) – filed 12/22/2016	Vol. LXII - 7816
Sheriff's Certificate of Sale (Idaho Club – Parcel 28) – filed 12/22/2016	Vol. LXII - 7819
Sheriff's Certificate of Sale (Idaho Club – Parcel 29) – filed 12/22/2016	Vol. LXII - 7822
Sheriff's Certificate of Sale (Idaho Club – Parcel 30) – filed 12/22/2016	Vol. LXII - 7825
Sheriff's Certificate of Sale (Idaho Club – Parcel 31) – filed 12/22/2016	Vol. LXII - 7828
Sheriff's Certificate of Sale (Idaho Club – Parcel 32) – filed 12/22/2016	Vol. LXII - 7831
Sheriff's Certificate of Sale (Idaho Club – Parcel 33) – filed 12/22/2016	Vol. LXII - 7834
Sheriff's Certificate of Sale (Idaho Club – Parcel 34) – filed 12/22/2016	Vol. LXII - 7837
Sheriff's Certificate of Sale (Idaho Club – Parcel 35) – filed 12/22/2016	Vol. LXII - 7840
Sheriff's Certificate of Sale (Idaho Club – Parcel 36) – filed 12/22/2016	Vol. LXII - 7843
Sheriff's Certificate of Sale (Idaho Club – Parcel 37) – filed 12/22/2016	Vol. LXII - 7846
Sheriff's Certificate of Sale (Idaho Club – Parcel 38) – filed 12/22/2016	Vol. LXII - 7849
Sheriff's Certificate of Sale (Idaho Club – Parcel 39) – filed 12/22/2016	Vol. LXIV - 7852

Sheriff's Certificate of Sale (Idaho Club – Parcel 40) – filed 12/22/2016	Vol. LXIV - 7855
Sheriff's Certificate of Sale (Idaho Club – Parcel 41) – filed 12/22/2016	Vol. LXIV - 7858
Sheriff's Certificate of Sale (Idaho Club – Parcel 42) – filed 12/22/2016	Vol. LXIV - 7861
Sheriff's Certificate of Sale (Idaho Club – Parcel 43) – filed 12/22/2016	Vol. LXIV - 7864
Sheriff's Certificate of Sale (Idaho Club – Parcel 44) – filed 12/22/2016	Vol. LXIV - 7867
Sheriff's Certificate of Sale (Idaho Club – Parcel 45) – filed 12/22/2016	Vol. LXIV - 7870
Sheriff's Certificate of Sale (Idaho Club – Parcel 46) – filed 12/22/2016	Vol. LXIV - 7873
Sheriff's Certificate of Sale (Idaho Club – Parcel 47) – filed 12/22/2016	Vol. LXIV - 7876
Sheriff's Certificate of Sale (Idaho Club – Parcel 48) – filed 12/22/2016	Vol. LXIV - 7879
Sheriff's Certificate of Sale (Idaho Club – Parcel 49) – filed 12/22/2016	Vol. LXIV - 7881
Sheriff's Certificate of Sale (Idaho Club – Parcel 50) – filed 12/22/2016	Vol. LXIV - 7884
Sheriff's Certificate of Sale (Idaho Club – Parcel 51) – filed 12/22/2016	Vol. LXIV - 7887
Sheriff's Certificate of Sale (Idaho Club – Parcel 52) – filed 12/22/2016	Vol. LXIV - 7890
Sheriff's Certificate of Sale (Idaho Club – Parcel 53) – filed 12/22/2016	Vol. LXIV - 7893
Sheriff's Certificate of Sale (Idaho Club – Parcel 54) – filed 12/22/2016	Vol. LXIV - 7896
Sheriff's Certificate of Sale (Idaho Club – Parcel 55) – filed 12/22/2016	Vol. LXIV - 7899
Sheriff's Certificate of Sale (Idaho Club – Parcel 56) – filed 12/22/2016	Vol. LXIV - 7902
Sheriff's Certificate of Sale (Idaho Club – Parcel 57) – filed 12/22/2016	Vol. LXIV - 7905
Sheriff's Certificate of Sale (Idaho Club – Parcel 58) – filed 12/22/2016	Vol. LXIV - 7908
Sheriff's Certificate of Sale (Idaho Club – Parcel 59) – filed 12/22/2016	Vol. LXIV - 7911
Sheriff's Certificate of Sale (Idaho Club – Parcel 60) – filed 12/22/2016	Vol. LXIV - 7914
Sheriff's Certificate of Sale (Idaho Club – Parcel 61) – filed 12/22/2016	Vol. LXIV - 7917
Sheriff's Certificate of Sale (Idaho Club – Parcel 62) – filed 12/22/2016	Vol. LXIV - 7920
Sheriff's Certificate of Sale (Idaho Club – Parcel 63) – filed 12/22/2016	Vol. LXIV - 7923
Sheriff's Certificate of Sale (Idaho Club – Parcel 64) – filed 12/22/2016	Vol. LXIV - 7926
Sheriff's Certificate of Sale (Idaho Club – Parcel 65) – filed 12/22/2016	Vol. LXIV - 7929
Sheriff's Certificate of Sale (Idaho Club – Parcel 66) – filed 12/22/2016	Vol. LXIV - 7932
Sheriff's Certificate of Sale (Idaho Club – Parcel 67) – filed 12/22/2016	Vol. LXIV - 7935
Sheriff's Certificate of Sale (Idaho Club – Parcel 68) – filed 12/22/2016	Vol. LXIV - 7938

Sheriff's Certificate of Sale (Idaho Club – Parcel 69) – filed 12/22/2016	Vol. LXIV - 7942
Sheriff's Certificate of Sale (Idaho Club – Parcel 70) – filed 12/22/2016	Vol. LXIV - 7945
Sheriff's Certificate of Sale (Idaho Club – Parcel 71) – filed 12/22/2016	Vol. LXIV - 7950
Sheriff's Certificate of Sale (Idaho Club – Parcel 72) – filed 12/22/2016	Vol. LXIV - 7954
Sheriff's Certificate of Sale (Idaho Club – Parcel 73) – filed 12/22/2016	Vol. LXIV - 7957
Sheriff's Certificate of Sale (Idaho Club – Parcel 74) – filed 12/22/2016	Vol. LXIV - 7960
Sheriff's Certificate of Sale (Idaho Club – Parcel 75) – filed 12/22/2016	Vol. LXIV - 7963
Sheriff's Certificate of Sale (Idaho Club – Parcel 76) – filed 12/22/2016	Vol. LXIV - 7966
Sheriff's Certificate of Sale (Idaho Club – Parcel 77) – filed 12/22/2016	Vol. LXIV - 7969
Sheriff's Certificate of Sale (Idaho Club – Parcel 78) – filed 12/22/2016	Vol. LXIV - 7972
Sheriff's Certificate of Sale (Idaho Club – Parcel 79) – filed 12/22/2016	Vol. LXIV - 7975
Sheriff's Certificate of Sale (Idaho Club – Parcel 80) – filed 12/22/2016	Vol. LXIV - 7978
Sheriff's Certificate of Sale (Idaho Club – Parcel 81) – filed 12/22/2016	Vol. LXIV - 7981
Sheriff's Certificate of Sale (Idaho Club – Parcel 82) – filed 12/22/2016	Vol. LXIV - 7984
Sheriff's Certificate of Sale (Idaho Club – Parcel 83) – filed 12/22/2016	Vol. LXV - 7987
Sheriff's Certificate of Sale (Idaho Club – Parcel 84) – filed 12/22/2016	Vol. LXV - 7990
Sheriff's Certificate of Sale (Idaho Club – Parcel 85) – filed 12/22/2016	Vol. LXV - 7993
Sheriff's Certificate of Sale (Idaho Club – Parcel 86) – filed 12/22/2016	Vol. LXV - 7996
Sheriff's Certificate of Sale (Idaho Club – Parcel 87) – filed 12/22/2016	Vol. LXV - 7999
Sheriff's Certificate of Sale (Idaho Club – Parcel 88) – filed 12/22/2016	Vol. LXV - 8002
Sheriff's Certificate of Sale (Idaho Club – Parcel 89) – filed 12/22/2016	Vol. LXV - 8005
Sheriff's Certificate of Sale (Idaho Club – Parcel 90) – filed 12/22/2016	Vol. LXV - 8008
Sheriff's Certificate of Sale (Idaho Club – Parcel 91) – filed 12/22/2016	Vol. LXV - 8011
Sheriff's Certificate of Sale (Idaho Club – Parcel 92) – filed 12/22/2016	Vol. LXV - 8014
Sheriff's Certificate of Sale (Idaho Club – Parcel 93) – filed 12/22/2016	Vol. LXV - 8017
Sheriff's Certificate of Sale (Idaho Club – Parcel 94) – filed 12/22/2016	Vol. LXV - 8020
Sheriff's Certificate of Sale (Idaho Club – Parcel 95) – filed 12/22/2016	Vol. LXV - 8023
Sheriff's Certificate of Sale (Idaho Club – Parcel 96) – filed 12/22/2016	Vol. LXV - 8027
Sheriff's Certificate of Sale (Idaho Club – Parcel 97) – filed 12/22/2016	Vol. LXV - 8030

Sheriff's Certificate of Sale (Idaho Club – Parcel 98) – filed 12/22/2016	Vol. LXV - 8033
Sheriff's Certificate of Sale (Idaho Club – Parcel 99) – filed 12/22/2016	Vol. LXV - 8036
Sheriff's Certificate of Sale (Idaho Club – Parcel 100) – filed 12/22/2016	Vol. LXV - 8039
Sheriff's Certificate of Sale (Idaho Club – Parcel 101) – filed 12/22/2016	Vol. LXV - 8042
Sheriff's Certificate of Sale (Idaho Club – Parcel 102) – filed 12/22/2016	Vol. LXV - 8045
Sheriff's Certificate of Sale (Idaho Club – Parcel 103) – filed 12/22/2016	Vol. LXV - 8048
Sheriff's Certificate of Sale (Idaho Club – Parcel 104) – filed 12/22/2016	Vol. LXV - 8051
Sheriff's Certificate of Sale (Idaho Club – Parcel 105) – filed 12/22/2016	Vol. LXV - 8054
Sheriff's Certificate of Sale (Idaho Club – Parcel 106) – filed 12/22/2016	Vol. LXV - 8057
Sheriff's Certificate of Sale (Idaho Club – Parcel 107) – filed 12/22/2016	Vol. LXV - 8060
Sheriff's Certificate of Sale (Idaho Club – Parcel 108) – filed 12/22/2016	Vol. LXV - 8063
Sheriff's Certificate of Sale (Idaho Club – Parcel 109) – filed 12/22/2016	Vol. LXV - 8066
Sheriff's Certificate of Sale (Idaho Club – Parcel 110) – filed 12/22/2016	Vol. LXV - 8069
Sheriff's Certificate of Sale (Idaho Club – Parcel 111) – filed 12/22/2016	Vol. LXV - 8072
Sheriff's Certificate of Sale (Idaho Club – Parcel 112) – filed 12/22/2016	Vol. LXV - 8075
Sheriff's Certificate of Sale (Idaho Club – Parcel 113) – filed 12/22/2016	Vol. LXV - 8078
Sheriff's Certificate of Sale (Idaho Club – Parcel 114) – filed 12/22/2016	Vol. LXV - 8081
Sheriff's Certificate of Sale (Idaho Club – Parcel 115) – filed 12/22/2016	Vol. LXV - 8084
Sheriff's Certificate of Sale (Idaho Club – Parcel 116) – filed 12/22/2016	Vol. LXV - 8087
Sheriff's Certificate of Sale (Idaho Club – Parcel 117) – filed 12/22/2016	Vol. LXV - 8090
Sheriff's Certificate of Sale (Idaho Club – Parcel 118) – filed 12/22/2016	Vol. LXV - 8093
Sheriff's Certificate of Sale (Idaho Club – Parcel 119) – filed 12/22/2016	Vol. LXV - 8097
Sheriff's Certificate of Sale (Idaho Club – Parcel 120) – filed 12/22/2016	Vol. LXV - 8100
Sheriff's Certificate of Sale (Idaho Club – Parcel 122) – filed 12/22/2016	Vol. LXV - 8103
Sheriff's Certificate of Sale (Idaho Club – Parcel 123) – filed 12/22/2016	Vol. LXV - 8106
Sheriff's Certificate of Sale (Idaho Club – Parcel 124) – filed 12/22/2016	Vol. LXV - 8109
Sheriff's Certificate of Sale (Idaho Club – Parcel 125) – filed 12/22/2016	Vol. LXV - 8112
Sheriff's Certificate of Sale (Idaho Club – Parcel 126) – filed 12/22/2016	Vol. LXV - 8115
Sheriff's Certificate of Sale (Idaho Club – Parcel 127) – filed 12/22/2016	Vol. LXV - 8118

Sheriff's Certificate of Sale (Idaho Club – Parcel 128) – filed 12/22/2016	Vol. LXV - 8121
Sheriff's Certificate of Sale (Idaho Club – Parcel 129) – filed 12/22/2016	Vol. LXVI - 8124
Sheriff's Certificate of Sale (Idaho Club – Parcel 130) – filed 12/22/2016	Vol. LXVI - 8127
Sheriff's Certificate of Sale (Idaho Club – Parcel 131) – filed 12/22/2016	Vol. LXVI - 8130
Sheriff's Certificate of Sale (Idaho Club – Parcel 132) – filed 12/22/2016	Vol. LXVI - 8133
Sheriff's Certificate of Sale (Idaho Club – Parcel 133) – filed 12/22/2016	Vol. LXVI - 8136
Sheriff's Certificate of Sale (Idaho Club – Parcel 134) – filed 12/22/2016	Vol. LXVI - 8139
Sheriff's Certificate of Sale (Idaho Club – Parcel 135) – filed 12/22/2016	Vol. LXVI - 8142
Sheriff's Certificate of Sale (Idaho Club – Parcel 136) – filed 12/22/2016	Vol. LXVI - 8145
Sheriff's Certificate of Sale (Idaho Club – Parcel 137) – filed 12/22/2016	Vol. LXVI - 8148
Sheriff's Certificate of Sale (Idaho Club – Parcel 138) – filed 12/22/2016	Vol. LXVI - 8151
Sheriff's Certificate of Sale (Idaho Club – Parcel 139) – filed 12/22/2016	Vol. LXVI - 8154
Sheriff's Certificate of Sale (Idaho Club – Parcel 140) – filed 12/22/2016	Vol. LXVI - 8157
Sheriff's Certificate of Sale (Idaho Club – Parcel 141) – filed 12/22/2016	Vol. LXVI - 8160
Sheriff's Certificate of Sale (Idaho Club – Parcel 142) – filed 12/22/2016	Vol. LXVI - 8163
Sheriff's Certificate of Sale (Idaho Club – Parcel 143) – filed 12/22/2016	Vol. LXVI - 8166
Sheriff's Certificate of Sale (Idaho Club – Parcel 144) – filed 12/22/2016	Vol. LXVI - 8169
Sheriff's Certificate of Sale (Idaho Club – Parcel 145) – filed 12/22/2016	Vol. LXVI - 8172
Sheriff's Certificate of Sale (Idaho Club – Parcel 146) – filed 12/22/2016	Vol. LXVI - 8175
Sheriff's Certificate of Sale (Idaho Club – Parcel 147) – filed 12/22/2016	Vol. LXVI - 8178
Sheriff's Certificate of Sale (Idaho Club – Parcel 148) – filed 12/22/2016	Vol. LXVI - 8181
Sheriff's Certificate of Sale (Idaho Club – Parcel 149) – filed 12/22/2016	Vol. LXVI - 8184
Sheriff's Certificate of Sale (Idaho Club – Parcel 150) – filed 12/22/2016	Vol. LXVI - 8187
Sheriff's Certificate of Sale (Idaho Club – Parcel 151) – filed 12/22/2016	Vol. LXVI - 8190
Sheriff's Certificate of Sale (Idaho Club – Parcel 152) – filed 12/22/2016	Vol. LXVI - 8193
Sheriff's Certificate of Sale (Idaho Club – Parcel 153) – filed 12/22/2016	Vol. LXVI - 8196
Sheriff's Certificate of Sale (Idaho Club – Parcel 154) – filed 12/22/2016	Vol. LXVI - 8199
Sheriff's Certificate of Sale (Idaho Club – Parcel 155) – filed 12/22/2016	Vol. LXVI - 8202
Sheriff's Certificate of Sale (Idaho Club – Parcel 156) – filed 12/22/2016	Vol. LXVI - 8205

Sheriff's Certificate of Sale (Idaho Club – Parcel 157) – filed 12/22/2016	Vol. LXVI - 8208
Sheriff's Certificate of Sale (Idaho Club – Parcel 158) – filed 12/22/2016	Vol. LXVI - 8211
Sheriff's Certificate of Sale (Idaho Club – Parcel 159) – filed 12/22/2016	Vol. LXVI - 8214
Sheriff's Certificate of Sale (Idaho Club – Parcel 163) – filed 12/22/2016	Vol. LXVI - 8219
Sheriff's Certificate of Sale (Idaho Club – Parcel 177) – filed 12/22/2016	Vol. LXVI - 8223
Application and Declaration of Richard L. Stacey for Writ of Execution Against JV, LLC – filed 01/09/2017	Vol. I - 8228
Writ of Execution Against JV, LLC – filed 01/09/2017	Vol. LXVI - 8232
Amended Notice of Appeal by JV, LLC IAR 17 (m), Request for Additional Clerk's Transcripts, and Request for Additional Court Reporter's Transcript – filed 01/13/2017	Vol. LXVI - 8235
Valiant Idaho, LLC's Amended Request for Additional Transcript and Record on Appeal – filed 01/30/2017	Vol. LXVII - 8254
Writ of Execution Against JV, LLC for Boundary County – filed 01/30/2017	Vol. LXVII - 8262
Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/08/2017	Vol. LXVII - 8268
Memorandum in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/08/2017	Vol. LXVII - 8271
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/08/2017	Vol. LXVII - 8279
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – filed 02/08/2017	Vol. LXVIII - 8385
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – filed 02/08/2017	Vol. LXIX - 8507
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – filed 02/08/2017	Vol. LXX - 8634
JV, LLC's Motion and Application for Stay of Execution Upon Posting a Cash Deposit by JV, LLC [IAR 13 (b) 15] – filed 02/14/2017	Vol. LXX - 8709
Errata to JV, LLC's Motion and Application for Stay of Execution Upon Posting a Cash Deposit by JV, LLC [IAR 13 (b) 15] – filed 02/15/2017	Vol. LXX - 8737
Valiant Idaho, LLC's Notice of Non-Objection to JV, LLC's Motion and Application for Stay of Execution Upon Posting a Cash Deposit, and Errata Thereto – filed 02/16/2017	Vol. LXX - 8743
VP, Inc.'s Memorandum in Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment – filed 02/17/2017	Vol. LXX - 8746
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment – filed 02/17/2017	Vol. LXX - 8756

Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment (Continued) – filed 02/17/2017	Vol. LXXI - 8770
Declaration of Daniel Keyes in Support of Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment – filed 02/17/2017	Vol. LXXI - 8801
Order re: JV, LLC's Motion and Application for Stay of Execution Upon Posting a Cash Deposit – filed 02/21/2017	Vol. LXXI - 8822
Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/22/2017	Vol. LXXI - 8827
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – Faxed copy filed 02/22/2017.....	Vol. LXXI - 8841
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – Original filed 02/23/2017.....	Vol. LXXI - 8845
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – Original filed 02/23/2017.....	Vol. LXXII - 8908
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – Original filed 02/23/2017.....	Vol. LXXIII - 9044
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – Original filed 02/23/2017.....	Vol. LXXIV - 9180
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – Original filed 02/23/2017.....	Vol. LXXV - 9318
Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/23/2017	Vol. LXXV - 9328
Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/06/2017	Vol. LXXV - 9341
Writ of Assistance – filed 03/06/2017	Vol. LXXV - 9361
Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/07/2017	Vol. LXXV - 9386
Memorandum in Support of Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/07/2017	Vol. LXXV - 9388
Declaration of Richard Villelli in Support of Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/07/2017 .	Vol. LXXV - 9394
Valiant Idaho, LLC's Motion to Clarify Court's Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/20/2017	Vol. LXXV - 9399
Memorandum in Support of Valiant Idaho, LLC's Motion to Clarify Court's Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/20/2017	Vol. LXXV - 9402

Notice of Hearing on Valiant Idaho, LLC's Motion to Clarify Court's Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/20/2017	Vol. LXXV - 9409
Order Requesting Response Brief from Valiant Idaho, LLC – filed 03/27/2017	Vol. LXXV - 9413
Valiant Idaho, LLC's Notice of Hearing on VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, etc. – filed 03/28/2017	Vol. LXXV - 9415
Valiant Idaho, LLC's Application for an Extension to Respond to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment – filed 03/28/2017	Vol. LXXV - 9418
Order on Valiant Idaho, LLC's Application for an Extension to Respond to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2 – filed 03/28/2017	Vol. LXXV - 9421
VP, Inc.'s Memorandum in Opposition to Valiant Idaho, LLC's Motion to Clarify Court's Memorandum Decision and Order and Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/29/2017	Vol. LXXV - 9424
Valiant Idaho, LLC's Memorandum in Reply to VP, Incorporated's Opposition to Motion to Clarify Court's Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 04/03/2017	Vol. LXXV - 9436
Sheriff's Certificate on Return of Service, Writ of Execution – filed 04/06/2017	Vol. LXXV - 9446
Writ of Execution Against JV, LLC – filed 04/06/2017	Vol. LXXVI - 9448
Notice to Counsel – filed 04/06/2017	Vol. LXXVI - 9453
Declaration of William Haberman in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment – filed 04/11/2017	Vol. LXXVI - 9455
Declaration of William Haberman in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment – filed 04/11/2017	Vol. LXXVII - 9573
Declaration of Steven B. Cordes, P.E., in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment – filed 04/11/2017	Vol. LXXVII - 9593
Writ of Assistance – filed 04/11/2017	Vol. LXXVII - 9635
Declaration of Jason Davis, Bonner County Deputy Sheriff – filed 04/11/2017	Vol. LXXVII - 9662
Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment – filed 04/12/2017	Vol. LXXVII - 9665
Valiant Idaho, LLC's Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated – filed 04/13/2017	Vol. LXXVII - 9683
Valiant Idaho, LLC's Memorandum in Support of Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated – filed 04/13/2017	Vol. LXXVII - 9686
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated – filed 04/13/2017	Vol. LXXVII - 9696

Declaration of William Haberman in Support of Valiant Idaho, LLC's Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated – filed 04/13/2017	Vol. LXXVII - 9703
Order on Valiant Idaho, LLC's Motion for a Temporary Restraining Order Against VP, Incorporated – filed 04/13/2017	Vol. LXXVII - 9707
Valiant Idaho, LLC's Notice of Depost – filed 04/13/2017.....	Vol. LXXVIII - 9711
Motion to Dissolve Temporary Restraining Order – filed 04/13/2017	Vol. LXXVIII - 9714
Memorandum in Support of Motion to Dissolve Temporary Restraining Order – filed 04/14/2017.	Vol. LXXVIII - 9716
Motion to Enlarge Time to Respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/17/2017	Vol. LXXVIII - 9733
Declaration of Chad M. Nicholson in Support of Valiant Idaho, LLC's Motion to Enlarge Time to Respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/17/2017.....	Vol. LXXVIII - 9736
Order Granting Motion to Enlarge Time to Respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/17/2017.....	Vol. LXXVIII - 9742
Reply Memorandum in Support of Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 04/17/2017	Vol. LXXVIII - 9745
Declaration of Richard Villelli in Support of Reply Memorandum in Support of Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 04/18/2017	Vol. LXXVIII - 9758
Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/18/2017.....	Vol. LXXVIII - 9790
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/18/2017.....	Vol. LXXVIII - 9802
Declaration of William Haberman in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/18/2017	Vol. LXXVIII - 9815
Order Extending the Temporary Restraining Order Against VP, Incorporated – filed 04/20/2017...	Vol. LXXVIII - 9819
Corrected Certificate of Mailing – filed 04/21/2017.....	Vol. LXXVIII - 9823
Certificate of Mailing – filed 04/21/2017	Vol. LXXVIII - 9824
Objection to Lodged Record and Objection to Certificate of Mailing of Clerk's Record – filed 04/25/2017	Vol. LXXVIII - 9825
Notice of Hearing on North Idaho Resorts, LLC and VP, Inc.'s Objection to Lodged Record and Objection to Certificate of Mailing of Clerk's Record – filed 04/26/2017.....	Vol. LXXVIII - 9836
Notice of Filing Proposed Order – filed 04/26/2017	Vol. LXXVIII - 9838
Objection to Lodged Record and Objection to Certificate of Mailing of Clerk's Record – filed 04/26/2017	Vol. LXXIX - 9844
Order on Valiant Idaho, LLC's Motion for an Injunction Against VP, Incorporated – filed 04/26/2017	Vol. LXXIX - 9853
Memorandum Decision re: Valiant Idaho, LLC's Motion to Clarify – filed 04/27/2017	Vol. LXXIX - 9861

Order Granting Injunction – filed 04/28/2017	Vol. LXXIX - 9871
Order Granting Appellants VP, Incorporated’s and North Idaho Resorts, LLC’s Objections to Lodged Record and Objections to Certificate of Mailing – filed 05/01/2017	Vol. LXXIX - 9879
Valiant Idaho, LLC’s Notice of Objection to the Consolidated Clerk’s Record on Appeal – filed 05/02/2017	Vol. LXXIX - 9883
Order Granting Respondent Valiant Idaho, LLC’s Objection to the Consolidated Clerk’s Record on Appeal – filed 05/03/2017	Vol. LXXIX - 9900
Order Partially Vacating the Court’s May 1, 2017 Order Granting NIR’s and VP’s Objection to Lodged Record – filed 05/03/2017	Vol. LXXIX - 9904
JV, LLC’s Objection to Clerk’s Record and motion to Correct and Make Additions to Clerk’s Record – filed 05/04/2017	Vol. LXXIX - 9907
Order Granting Appellant JV, LLC’s Objection to Clerk’s Record and Motion to Make Additions to Clerk’s Record – filed 05/05/2017	Vol. LXXIX - 9928
Amended Notice of Appeal – filed 05/25/2017	Vol. LXXIX - 9931
Clerk’s Certificate of Record – dated XX/XX/2017	Vol. LXXIX - 9947
Clerk’s Certificate of Exhibits – dated 04/28/2017	Vol. LXXIX - 9948
Clerk’s Certificate of Service – dated 04/28/2017	Vol. LXXIX - 9955

INDEX

Acceptance of Service by VP, Incorporated of Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure – filed 10/03/2014	Vol. VII - 908
ACI Northwest, Inc.'s Responsive Pleading to Valiant Idaho, LLC's Counterclaim, Cross-Claim, and Third-Party Complaint for Judicial Foreclosure – filed 09/29/2014	Vol. VII - 904
Acknowledgment of Service of Summons and Complaint (North Idaho Resorts, LLC) – filed 04/07/2010	Vol. II - 199
Acknowledgment of Service of Summons and Complaint (VP Inc.) – filed 04/07/2010	Vol. I - 197
Administrative Order – filed 09/27/2011	Vol. II - 267
Affidavit of Charles Reeves in Support of R.E. Loans, LLC's Motions for Summary Judgment – filed 04/29/2014	Vol. V - 551
Affidavit of Charles W. Reeves – filed 01/20/2015	Vol. XVII - 1912
Affidavit of Charles W. Reeves (Continued) – filed 01/20/2015	Vol. XVIII - 2039
Affidavit of Farley Dakan in Support of R.E. Loans, LLC's Motions for Summary Judgment – filed 04/29/2014	Vol. IV - 532
Affidavit of James Berry on Behalf of JV, LLC – filed 08/26/2015	Vol. XXIX - 3401
Affidavit of James Berry on Behalf of JV, LLC in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment – filed 10/13/2015	Vol. XXXII - 3778
Affidavit of Non-Military Service in Support of Motion for Entry of Default of Amy Korengut – filed 12/08/2014 ..	Vol. XI - 1409
Affidavit of Richard L. Stacey in Support of R.E. Loans, LLC's Motion to Lift Automatic Stay – filed 06/26/2013 ..	Vol. III - 343
Affidavit of Richard L. Stacey in Support of R.E. Loans, LLC's Motion for Entry of Default (Genesis Golf Builders) – filed 08/12/2013	Vol. III - 365
Affidavit of Service – filed 03/11/2011	Vol. II - 244
Affidavit of Service – filed 10/20/2014	Vol. VIII - 965
Affidavit of Service (First American Title) – filed 10/05/2015	Vol. XXXI - 3729
Affidavit of Service (Sandpoint Title Insurance) – filed 10/05/2015	Vol. XXXI - 3727
Affidavit of Service (Second on First American Title) – filed 10/05/2015	Vol. XXXI - 3731
Affidavit of Stanley J. Tharp in Support of Defendant Wells Fargo's Motion to Dismiss with Prejudice – filed 01/23/2012	Vol. II - 302
Affidavit of Susan P. Weeks in Support of North Idaho Resorts, LLC's Motion for Entry of Default (Genesis Golf Builders) – filed 10/25/2013	Vol. III - 412

Affidavit of Susan P. Weeks in Support of North Idaho Resorts, LLC and VP, Inc.'s Motion to Reconsider and Motion to Alter and Amend Judgment – filed 08/19/2015	Vol. XXVII - 3133
Affidavit of Toby McLaughlin in Support of Third Party Defendant Panhandle Management Incorporated's Motion to Dismiss Claim Asserted by Third Party Plaintiff JV, LLC – filed 11/07/2014	Vol. IX - 1015
Affidavit of Toby McLaughlin in Support of Third Party Defendant Idaho Club Homeowner's Association Inc.'s Motion to Dismiss Claim Asserted by Third Party Plaintiff JV, LLC – filed 11/07/2014	Vol. IX - 1100
Amended Notice of Appeal – filed 05/25/2017	Vol. LXXIX - 9931
Amended Notice of Appeal by JV, LLC IAR 17 (m), Request for Additional Clerk's Transcripts, and Request for Additional Court Reporter's Transcript – filed 01/13/2017	Vol. LXVI - 8235
Amended Notice of Hearing on Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC and VP, Incorporated – filed 02/13/2015	Vol. XXII - 2493
Amended Notice of Trial – filed 10/21/2015	Vol. XXXIII - 3953
Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure – filed 09/15/2014	Vol. VII - 844
Answer, Counterclaims, Cross-claims and Third Party Complaint of Defendant ACI Northwest, Inc. – filed 08/09/2010	Vol. II - 204
Application and Declaration of Richard L. Stacey for Writ of Execution – filed 10/05/2016	Vol. LIV - 6608
Application and Declaration of Richard L. Stacey for Writ of Execution Against North Idaho Resorts, LLC – filed 10/06/2016	Vol. LVI - 6804
Application and Declaration of Richard L. Stacey for Writ of Execution Against JV, LLC – filed 10/06/2016	Vol. LVI - 6812
Application and Declaration of Richard L. Stacey for Writ of Execution Against VP, Incorporated – filed 10/06/2016	Vol. LVI - 6820
Application and Declaration of Richard L. Stacey for Writ of Execution Against JV, LLC for Boundary County – filed 10/13/2016	Vol. LIX - 7253
Application and Declaration of Richard L. Stacey for Writ of Execution Against North Idaho Resorts, LLC for Boundary County – filed 10/13/2016	Vol. LIX - 7258
Application and Declaration of Richard L. Stacey for Writ of Execution Against VP, Incorporated for Boundary County – filed 10/13/2016	Vol. LIX - 7263
Application and Declaration of Richard L. Stacey for Writ of Execution Against JV, LLC – filed 01/09/2017	Vol. I - 8228
Assignment of District Court Cases – filed 11/15/2011	Vol. II - 295
Cash Bond posted by JV, LLC \$21,154.60 – posted 11/02/2016	Vol. LIX - 7309
Certificate of Mailing – filed 04/21/2017	Vol. LXXVIII - 9824
Clerk's Certificate of Exhibits – dated 04/28/2017	Vol. LXXIX - 9948
Clerk's Certificate of Record – dated XX/XX/2017	Vol. LXXIX - 9947

Clerk's Certificate of Service – dated 04/28/2017	Vol. LXXIX - 9955
Clerk's Entry of Default (Genesis Golf Builders) – filed 08/15/2013	Vol. III - 389
Clerk's Entry of Default (Genesis Golf Builders) – filed 11/01/2013	Vol. III - 433
Clerk's Entry of Default (Genesis Golf Builders, Inc.) – filed 08/29/2013	Vol. III - 397
Clerk's Entry of Default Against Amy Korengut – filed 12/10/2014.....	Vol. XII - 1498
Clerk's Entry of Default Against Bar K, Inc. – filed 02/03/2015	Vol. XXI - 2356
Clerk's Entry of Default Against C.E. Kramer Crane & Contracting, Inc. – filed 12/10/2014	Vol. XII - 1518
Clerk's Entry of Default Against Cross-defendant T-O Engineers, Inc. – filed 09/26/2014	Vol. VII - 900
Clerk's Entry of Default Against Genesis Golf Builders, Inc. – filed 12/10/2014	Vol. XII - 1511
Clerk's Entry of Default Against Independent Mortgage Ltd. Co. – filed 01/06/2015	Vol. XIII - 1636
Clerk's Entry of Default Against Montaheno Investments, LLC – filed 12/10/2014	Vol. XII - 1504
Clerk's Entry of Default Against Netta Source, LLC – filed 12/10/2014	Vol. XII - 1530
Clerk's Entry of Default Against Russ Capital Group, LLC – filed 12/10/2014.....	Vol. XII - 1524
Clerk's Entry of Default Against Third Party Defendant Pend Oreille Bonner Development Holdings, Inc. – filed 10/22/2014	Vol. VIII - 973
Clerk's Entry of Default Against Third Party Defendants Frederick J. Grant and Christine Grant – filed 05/29/2015	Vol. XXIV - 2777
Clerk's Entry of Default Against Timberline Investments, LLC – filed 01/06/2015	Vol. XIII - 1642
Clerk's Record on Appeal.....	Vol. I - 2
Complaint – filed 10/13/2009	Vol. I - 172
Complaint for Judicial Foreclosure – filed 11/19/2014	Vol. X - 1242
Corrected Certificate of Mailing – filed 04/21/2017.....	Vol. LXXVIII - 9823
Cross-defendant, VP, Incorporated's Request for Extension of Time to Answer or Otherwise Plead to Valiant, LLC's Amended Answer to Allege a Counter-Claim and Cross-Claim and to Serve Third Party – filed 12/01/2014.....	Vol. XI - 1377
Declaration of Barney Ng in Support of Valiant Idaho, LLC's Reply to North Idaho Resorts, LLC's and VP, Incorporated's Opposition to Valiant, Idaho, LLC's Third Motion for Summary Judgment – filed 10/20/2015	Vol. XXXIII - 3906
Declaration of Barney Ng in Support of Valiant Idaho, LLC's Third Motion for Summary Judgment – filed 09/25/2015	Vol. XXXI - 3658
Declaration of C. Dean Shafer in Support of Valiant Idaho, LLC's Motion for Entry of Final Judgment – filed 05/20/2015	Vol. XXIII - 2627

Declaration of C. Dean Shafer in Support of Valiant Idaho, LLC's Motion for an Order of Sale of Real Property – filed 07/22/2015	Vol. XXV - 2926
Declaration of C. Dean Shafer in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVIII - 3301
Declaration of Chad M. Nicholson dated October 16, 2015 – filed 10/16/2015.....	Vol. XXXII - 3870
Declaration of Chad M. Nicholson dated October 20, 2015 – filed 10/20/2015.....	Vol. XXXIII - 3914
Declaration of Chad M. Nicholson in Support of R.E. Loans, LLC's Motion for Summary Judgment Against Cross-claimant ACI Northwest, Inc. – filed 04/29/2014.....	Vol. IV - 451
Declaration of Chad M. Nicholson in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVIII - 3276
Declaration of Chad M. Nicholson in Support of Valiant Idaho, LLC's Reply Memoranda re: Motions <i>In Limine</i> – filed 12/28/2015	Vol. XXXV - 4258
Declaration of Chad M. Nicholson in Support of Valiant Idaho, LLC's Motion to Enlarge Time to Respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/17/2017.....	Vol. LXXVIII - 9736
Declaration of Charles W. Reeves in Support of Valiant Idaho, LLC's Motion for an Order of Sale of Real Property – filed 07/22/2015.....	Vol. XXV - 2959
Declaration of Charles W. Reeves in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVIII - 3280
Declaration of Daniel Keyes in Support of Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment – filed 02/17/2017	Vol. LXXI - 8801
Declaration of Daniel M. Keyes in Support of VP and NIR's Opposition to Valiant Idaho's Motion for Sanctions – filed 08/24/2016	Vol. XLVIII - 5868
Declaration of Jason Davis, Bonner County Deputy Sheriff – filed 04/11/2017.....	Vol. LXXVII - 9662
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Cross-defendant T-O Engineers, Inc. – filed 09/26/2014	Vol. VII - 884
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Pend Oreille Bonner Development Holdings, Inc. – filed 10/03/2014.....	Vol. VIII - 918
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 01/20/2015	Vol. XV - 1747
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated (Continued) – filed 01/20/2015.....	Vol. XVI - 1884
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Bar K, Inc. – filed 02/02/2015.....	Vol. XXI - 2342
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Final Judgment – filed 05/20/2015	Vol. XXIII - 2612
Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendants Frederick J. Grant and Christine Grant – filed 05/22/2015.....	Vol. I - 2751

Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion for a New Trial – filed 08/10/2016.....	Vol. XLVII - 5714
Declaration of Pamela Lemieux in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendants Frederick J. Grant and Christine Grant – filed 05/22/2015.....	Vol. XXIV - 2763
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – Faxed copy filed 02/22/2017.....	Vol. LXXI - 8841
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – Original filed 02/23/2017.....	Vol. LXXI - 8845
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – Original filed 02/23/2017.....	Vol. LXXII - 8908
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – Original filed 02/23/2017.....	Vol. LXXIII - 9044
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – Original filed 02/23/2017.....	Vol. LXXIV - 9180
Declaration of Richard L. Stacey in Support of Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – Original filed 02/23/2017.....	Vol. LXXV - 9318
Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant, Idaho LLC in Place of R.E. Loans, LLC as the Real Party in Interest – filed 07/21/2014	Vol. V - 674
Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest – filed 08/18/2014	Vol. VI - 674
Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest – filed 10/06/2014	Vol. VIII - 933
Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest – filed 10/06/2014	Vol. VIII - 946
Declaration of Richard L. Stacey in Support of R.E. Loans, LLC's Motion for Summary Judgment Against Cross-claimant R.C. Worst & Company, Inc. – filed 04/29/2014	Vol. IV - 498
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Counter-Defendant Genesis Golf Builders, Inc. – filed 12/08/2014	Vol. XI - 1387
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Amy Korengut – filed 12/08/2014	Vol. XI - 1399
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Independent Mortgage Ltd. Co. – filed 12/08/2014	Vol. XII - 1419
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant C.E. Kramer Crane & Contracting, Inc. – filed 12/08/2014.....	Vol. XII - 1434

Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Netta Source, LLC – filed 12/08/2014	Vol. XII - 1449
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Montaheno Investments, LLC – filed 12/08/2014	Vol. XII - 1464
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Russ Capital Group, LLC – filed 12/08/2014	Vol. XII - 1479
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Timberline Investments, LLC – filed 12/22/2014	Vol. XIII - 1601
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motions <i>In Limine</i> – filed 12/15/2015	Vol. XXXV - 4057
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum of Costs and Attorney's Fees – filed 07/06/2016	Vol. XLII - 5058
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum of Costs and Attorney's Fees – filed 07/06/2016	Vol. XLIII - 5190
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/21/2016	Vol. LIV - 6573
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum of Costs and Attorneys' Fees Against JV, LLC – filed 11/25/2016.....	Vol. LX - 7442
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/08/2017	Vol. LXVII - 8279
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – filed 02/08/2017	Vol. LXVIII - 8385
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – filed 02/08/2017	Vol. LXIX - 8507
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) (Continued) – filed 02/08/2017	Vol. LXX - 8634
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated – filed 04/13/2017	Vol. LXXVII - 9696
Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/18/2017	Vol. LXXXVIII - 9802
Declaration of Richard Stacey in Support of Valiant Idaho, LLC's Memorandum Responses to VP, Inc.'s and JV, LLC's Objections and Motions to Disallow Memorandum of Costs and Attorney's Fees – filed 08/10/2016 ..	Vol. XLVI - 5591
Declaration of Richard Stacey in Support of Valiant Idaho, LLC's Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 08/10/2016	Vol. XLVII - 5685
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC and VP, Incorporated – filed 02/04/2015	Vol. XXI - 2392
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion for Order of Sale – filed 08/04/2015..	Vol. XXVI - 2987

Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale – filed 08/26/2015	Vol. XXIX - 3424
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 10/14/2015	Vol. XXXII - 3828
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment – filed 02/17/2017 ..	Vol. LXX - 8756
Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment (Continued) – filed 02/17/2017	Vol. LXXI - 8770
Declaration of Richard Villelli in Support of Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/07/2017	Vol. LXXV - 9394
Declaration of Richard Villelli in Support of Reply Memorandum in Support of Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 04/18/2017.....	Vol. LXXVIII - 9758
Declaration of Sally Mitchell in Support of Supplemental Memorandum Supporting Valiant Idaho, LLC's Motion Contesting JV, LLC's Third Party Claim; and Opposition to JV, LLC's Motion for Stay of Execution – filed 11/04/2016	Vol. LX - 7392
Declaration of Steven B. Cordes, P.E., in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment – filed 04/11/2017	Vol. LXXVII - 9593
Declaration of Susan P. Weeks in Opposition to Valiant's Third Motion for Summary Judgment – filed 10/13/2015 Vol.	XXXII - 3791
Declaration of Weeks in Support of VP, Inc.'s Motion for New Trial – filed 08/03/2016.....	Vol. XLVI - 5550
Declaration of William Haberman in Support of Valiant Idaho, LLC's Closing Argument – filed 03/14/2016	Vol. XXXVII - 4471
Declaration of William Haberman in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment – filed 04/11/2017	Vol. LXXVI - 9455
Declaration of William Haberman in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment – filed 04/11/2017	Vol. LXXVII - 9573
Declaration of William Haberman in Support of Valiant Idaho, LLC's Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated – filed 04/13/2017	Vol. LXXVII - 9703
Declaration of William Haberman in Support of Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/18/2017.....	Vol. LXXVIII - 9815
Decree of Foreclosure – filed 06/22/2016	Vol. XL - 4910
Decree of Foreclosure – filed 07/20/2016.....	Vol. XLIV - 5317
Decree of Foreclosure – filed 08/05/2015	Vol. XXVI - 3075
Decree of Foreclosure (Continued) – filed 06/22/2016	Vol. XLI - 4940

Decree of Foreclosure (Continued) – filed 07/20/2016	Vol. XLV - 5413
Default Judgment (Genesis Golf Builders) – filed 08/15/2013.....	Vol. III - 383
Default Judgment (Genesis Golf Builders) – filed 08/29/2013	Vol. III - 402
Default Judgment (Genesis Golf Builders) – filed 11/01/2013	Vol. III - 428
Defendant North Idaho Resorts, LLC’s Motion to Substitute Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest – filed 09/04/2014	Vol. VI - 771
Defendant VP, Inc.’s and NIR, LLC’s Memorandum in Opposition to Valiant Idaho, LLC’s Motion for Sanctions – filed 08/24/2016	Vol. XLVIII - 5886
Defendant VP, Incorporated’s Request for Extension of Time to Respond to Valiant Idaho, LLC’s Motion for Leave to Amend Answer to Allege a Counterclaim and Cross-claim, and to Serve Third Party – filed 11/12/2014....	Vol. X - 1153
Defendants North Idaho Resorts and VP, Incorporated’s Motion for Judicial Notice of Barney Ng – filed 10/13/2015	Vol. XXXII - 3823
Defendants North Idaho Resorts, LLC and VP Incorporated’s Memorandum in Opposition to Valiant Idaho, LLC’s Motion for Summary Judgment – filed 02/04/2015.....	Vol. XXI - 2359
Defendants North Idaho Resorts, LLC and VP Incorporated’s Memorandum in Opposition to Valiant Idaho, LLC’s Third Motion for Summary Judgment – filed 10/13/2015.....	Vol. XXXII - 3810
Defendants North Idaho Resorts, LLC and VP Incorporated’s Second Motion for Enlargement of Time to File Memorandum in Support of Motion for Reconsideration and Clarification – filed 05/26/2015	Vol. XXIV - 2771
Defendants North Idaho Resorts, LLC and VP, Incorporated’s Memorandum in Opposition to Valiant Idaho, LLC’s Motion to Strike Inadmissible Evidence – filed 10/16/2015	Vol. XXXII - 3879
Defendants North Idaho Resorts, LLC and VP, Incorporated’s Memorandum in Opposition to Valiant Idaho, LLC’s Second Motion to Strike Inadmissible Evidence – filed 10/22/2015.....	Vol. XXXIII - 3990
Defendants North Idaho Resorts, LLC and VP, Incorporated’s Memorandum in Support of Motion to Strike the Declarations of Barney Ng and Chad M. Nicholson – filed 10/22/2015	Vol. XXXIII - 3997
Defendants North Idaho Resorts, LLC and VP, Incorporated’s Motion for Enlargement of Time to File Answers and Responses to Discovery Requests Propounded by Valiant Idaho, LLC – filed 03/02/2015	Vol. XXII - 2516
Defendants North Idaho Resorts, LLC and VP, Incorporated’s Motion for Enlargement of Time to File Memorandum in Support of Motion for Reconsideration and Clarification – filed 05/11/2015	Vol. XXII - 2598
Defendants North Idaho Resorts, LLC and VP, Incorporated’s Motion for Enlargement of Time to File Reply to Plaintiff’s Opposition to North Idaho Resorts, LLC and VP, Inc.’s Renewed Motion for Reconsideration and Clarification – filed 07/06/2015	Vol. XXIV - 2799
Defendants North Idaho Resorts, LLC and VP, Incorporated’s Motion for Enlargement of Time to File Reply to Plaintiff’s Opposition to North Idaho Resorts, LLC and VP, Inc.’s Renewed Motion for Reconsideration and Clarification – filed 10/13/2015	Vol. XXXI - 3746
Defendants North Idaho Resorts, LLC and VP, Incorporated’s Motion to Strike the Declarations of Barney Ng and Chad M. Nicholson – filed 10/22/2015	Vol. XXXIII - 3995
Errata to Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC’s Motion to Alter, Amend and/or Reconsider the Order of Sale – filed 08/27/2015	Vol. XXIX - 3487

Errata to Declaration of Susan P. Weeks in Opposition to Valiant's Third Motion for Summary Judgment – filed 10/22/2015	Vol. XXXIII - 3988
Errata to JV, LLC's Motion and Application for Stay of Execution Upon Posting a Cash Deposit by JV, LLC [IAR 13 (b) 15] – filed 02/15/2017	Vol. LXX - 8737
Findings re: R.E. Loans, LLC's Motions for Summary Judgment Against ACI Northwest, Inc. – filed 07/21/2014 .	Vol. V - 647
Index	Vol. I - 34
Judgment – filed 06/22/2016	Vol. XXXVII - 4619
Judgment – filed 07/21/2014	Vol. V - 653
Judgment – filed 08/05/2015	Vol. XXVI - 3082
Judgment (ACI Northwest, Inc.) – filed 02/18/2015	Vol. XXII - 2502
Judgment (Continued) – filed 06/22/2016	Vol. XL - 4806
Judgment (Continued) – filed 06/22/2016	Vol. XXXIX - 4693
Judgment (Dismissal of JV, LLC's Third Party Complaint Against Idaho Club Homeowner's Association, Inc.) – filed 01/15/2015	Vol. XIV - 1694
Judgment (Pucci Construction, Inc.) – filed 02/18/2015	Vol. XXII - 2499
Judgment re: Costs and Attorneys' Fees – filed 08/22/2016	Vol. XLVIII - 5844
Judgment re: Rule 11 Sanctions – filed 12/06/2016	Vol. LX - 7462
JV, LLC's Amended Exhibit List and Documents – filed 12/22/2015	Vol. XXXV - 4205
JV, LLC's Correction to its Response, Objection and Opposition to Plaintiff's Motion for Sanctions – filed 08/25/2016	Vol. XLVIII - 5920
JV, LLC's Defendants Trial Exhibit – filed 08/11/2015	Vol. XXVI - 3088
JV, LLC's First Supplemental Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 02/27/2015	Vol. XXII - 2505
JV, LLC's Fourth Amended Exhibit List and Documents – filed 03/11/2016	Vol. XXXVII - 4418
JV, LLC's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 02/02/2015	Vol. XIX - 2076
JV, LLC's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment (Continued) – filed 02/02/2015	Vol. XX - 2210
JV, LLC's Motion and Application for Stay of Execution Upon Posting a Cash Deposit by JV, LLC [IAR 13 (b) 15] – filed 11/02/2016.....	Vol. LIX - 7311
JV, LLC's Motion and Application for Stay of Execution Upon Posting a Cash Deposit by JV, LLC [IAR 13 (b) 15] – filed 02/14/2017	Vol. LXX - 8709

JV, LLC's Motion to Alter, Amend and Reconsider re: 1. Memorandum Decision and Order 2. Judgment 3. Decree of Foreclosure 4. Order of Sale, and JV, LLC's Memorandum in Support and Request for Hearing – filed 08/02/2016 Vol. XLV - 5521

JV, LLC's Motion to Alter, Amend and to Reconsider the Court's Memorandum Decision and Order Filed 04/14/2015 and Request for Oral Argument Time/Date for a Hearing; Not Yet to be Set – filed 04/28/2015 Vol. XXII - 2579

JV, LLC's Motion to Alter, Amend, and Reconsider the Court's Memorandum Decision and Order re: JV, LLC's Motions to Reconsider, and JV, LLC's Motion for Partial Summary Judgment for Affirmative Relief Concerning JV, LLC's Redemption Deed and as to Valiant's Redemption Deed; and Request for Hearing – filed 07/30/2015 Vol. XXV - 2967

JV, LLC's Motion to Reconsider, Alter, and Amend the Judgment [Rule 11 (b) and Rule 52 (b)]; and Request for Hearing – filed 08/18/2015 Vol. XXVI - 3095

JV, LLC's Motion to Strike the Declaration of William Haberman – filed 04/18/2016..... Vol. XXXVII - 4476

JV, LLC's Motion to Vacate Valiant's Hearing Date of February 18, 2015 on its Motion for Summary Judgment, Request for Continuance and Request for Hearing on Short Notice – filed 02/02/2015 Vol. XX - 2331

JV, LLC's Objection and Memorandum in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment and JV, LLC's Motion to Strike Valiant's Third Motion for Summary Judgment and Notice of Hearing for October 23, 2015 at 1:30 p.m. – filed 10/13/20152015 Vol. XXXII - 3748

JV, LLC's Objection and Motion to Disallow Valiant's Memorandum of Fees and Costs – filed 07/18/2016 Vol. XLIV - 5306

JV, LLC's Objection to Clerk's Record and motion to Correct and Make Additions to Clerk's Record – filed 05/04/2017 Vol. LXXIX - 9907

JV, LLC's Objection to Entry of Final Judgment – as Drafted by Valiant; and Request for a Hearing – filed 07/07/2015 Vol. XXIV - 2847

JV, LLC's Objection to Valiant's Motion for Relief from Automatic Stay and Memorandum in Support – filed 09/26/2016..... Vol. LIV - 6589

JV, LLC's Objection to Valiant's Motion *In Limine* – filed 12/23/2015 Vol. XXXV - 4233

JV, LLC's Post Trial Memorandum and Argument – filed 05/12/2016 Vol. XXXVII - 4489

JV, LLC's Proposed Judgment and Decree of Foreclosure and JV, LLC's Request for Additional Time of at Least 14 Days – filed 07/15/2016..... Vol. XLIII - 5274

JV, LLC's Request for Clerk's Minutes and Reporter's Typed Transcript of Entire Proceeding Including the District Court's Remarks and Rulings in Open Court on September 2, 2015 – filed 09/08/2015 Vol. XXX - 3533

JV, LLC's Response to Valiant's Most Recent "Filings" and JV, LLC's Objection Thereto – filed 10/21/2015 Vol. XXXIII - 3972

JV, LLC's Response to Valiant's Motion to Strike Inadmissible Evidence – filed 10/19/2015 Vol. XXXIII - 3884

JV, LLC's Response, Objection and Opposition to Plaintiff's Motion for Sanctions – filed 08/24/2016 Vol. XLVIII - 5847

JV, LLC's Second Amended Exhibit List and Documents – filed 01/22/2016 Vol. XXXVI - 4363

JV, LLC's Special Appearance Contesting Jurisdiction; and JV, LLC's Answer to Complaint; and JV, LLC's Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure; and JV, LLC's Cross-claim; and JV, LLC's Third Party Complaint – filed 09/15/2014	Vol. VII - 784
JV, LLC's Third Amended Exhibit List and Documents – filed 01/26/2016	Vol. XXXVI - 4404
JV, LLC's Third Party Claim (Idaho Code 11-203) – filed 11/02/2016	Vol. LX - 7341
JV, LLC's Trial Memorandum – filed 01/22/2016	Vol. XXXVI - 4316
JV's Affidavit of James W. Berry Opposing Valiant's Motion for Summary Judgment – filed 02/02/2015...Vol. XX - 2323	
JV's Objection, and Motion to Disallow Valiant's Memorandum of Attorney Costs and Fees – filed 12/02/2016 Vol. LX - 7447	
JV's Reply to Valiant's Memorandum in Opposition to JV's Motion filed on 07/21/2015, and Motions to Strike – filed 08/31/2015	Vol. XXIX - 3499
JV's Supplemental Motion to Alter, Amend, Set Aside the Judgment, Based on Valiant's Motions to Change the Order of Sale and Change the Decree of Foreclosure Pursuant to Rules 11 (b); 52 (b) and Rule 60 and Notice of Hearing – filed 08/26/2015	Vol. XXIX - 3386
Memorandum Decision & Order Granting Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 04/14/2015	Vol. XXII - 2560
Memorandum Decision & Order re: Motions Heard on October 23, 2015 – filed 10/30/2015	Vol. XXXIII - 4000
Memorandum Decision and Order Denying JV, LLC's and VP, Incorporated's Motions to Alter, Amend and Reconsider – filed 08/16/2016	Vol. XLVII - 5793
Memorandum Decision and Order Denying JV, LLC's and VP, Incorporated's Motions to Alter, Amend and Reconsider (Continued) – filed 08/16/2016	Vol. XLVIII - 5815
Memorandum Decision and Order Granting in Part Reconsideration of the July 21, 2015 Memorandum Decision & Order – filed 09/04/2015.....	Vol. XXX - 3527
Memorandum Decision and Order Granting Motion for Entry of Final Judgment – filed 06/23/2015	Vol. XXIV - 2791
Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 10/07/2016	Vol. LIX - 7230
Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/06/2017 Vol. LXXV - 9341	
Memorandum Decision and Order re: 1) JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated's Motions to Reconsider 2) Valiant's Request for Entry of Proposed Final Judgment and Decree of Foreclosure and Sale – filed 07/21/2015	Vol. XXIV - 2856
Memorandum Decision and Order re: Court Trial held on January 28 and 29, and March 16 and 17, 2016 – filed 05/27/2016	Vol. XXXVII - 4589
Memorandum Decision Order Awarding Costs and Attorney's Fees to Valiant Idaho, LLC – filed 08/22/2016	Vol. XLVIII - 5829

Memorandum Decision Order Denying Valiant Idaho, LLC's Motion for Sanctions – filed 08/29/2016.....	Vol. XLVIII - 5925
Memorandum Decision Order Denying VP, Inc.'s Motion for New Trial – filed 08/25/2016.....	Vol. XLVIII - 5906
Memorandum Decision Order Granting Valiant Idaho, LLC's Motion for Sanctions – filed 11/14/2016 .	Vol. LX - 7402
Memorandum Decision re: Valiant Idaho, LLC's Motion to Clarify – filed 04/27/2017	Vol. LXXIX - 9861
Memorandum in Opposition to Defendant JV, LLC's Motion to Vacate Valiant's Hearing on October 23, 2015 – filed 10/20/2015	Vol. XXXIII - 3900
Memorandum in Opposition to JV, LLC's Motion to Alter, Amend and to Reconsider the Court's Memorandum Decision and Order Filed 04/14/2015 – filed 07/06/2015	Vol. XXIV - 2820
Memorandum in Opposition to JV, LLC's Motion to Alter, Amend and to Reconsider filed 08/18/2015 – filed 08/25/2015	Vol. XXVIII - 3367
Memorandum in Opposition to JV, LLC's Motion to Alter, Amend and to Reconsider the Court's Memorandum Decision and Order dated July 21, 2015 – filed 08/26/2015	Vol. XXVIII - 3376
Memorandum in Opposition to North Idaho Resorts, LLC and VP, Inc.'s Renewed Motion for Reconsideration and Clarification – filed 07/06/2015.....	Vol. XXIV - 2804
Memorandum in Opposition to VP, Incorporated's Motion to Dismiss Third Party Complaint or, in the Alternative, Motion for Leave to Amend Answer to Allege a Counterclaim and Cross-claim, and to Serve Third Party Complaint – filed 11/05/2014	Vol. VIII - 982
Memorandum in Reply to Defendant JV, LLC's Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment – filed 10/20/2015	Vol. XXXIII - 3892
Memorandum in Reply to JV, LLC's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 03/11/2015	Vol. XXII - 2519
Memorandum in Reply to North Idaho Resorts, Inc. and VP, Incorporated's Opposition to Valiant, Idaho, LLC's Third Motion for Summary Judgment – filed 10/20/2015.....	Vol. XXXIII - 3924
Memorandum in Reply to North Idaho Resorts, LLC and VP, Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 03/11/2015	Vol. XXII - 2547
Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/22/2017	Vol. LXXI - 8827
Memorandum in Reply to VP, Inc.'s Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/23/2017	Vol. LXXV - 9328
Memorandum in Reply to: (1) JV, LLC's Objection; and (2) VP, Inc. and North Idaho Resorts, LLC's Opposition to Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/29/2016	Vol. LIV - 6603
Memorandum in Support of Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/07/2017	Vol. LXXV - 9388
Memorandum in Support of Motion to Dissolve Temporary Restraining Order – filed 04/14/2017.	Vol. LXXVIII - 9716
Memorandum in Support of R.E. Loans, LLC's Motion to Lift Automatic Stay (Mortgage Fund '08 LLC) – filed 06/26/2013	Vol. III - 339

Memorandum in Support of Renewed Motion for Reconsideration and Clarification – filed 06/16/2015.....	Vol. XXIV - 2783
Memorandum in Support of Valiant Idaho, LLC’s Motion Contesting JV, LLC’s Third Party Claim; and Opposition to JV, LLC’s Motion for Stay of Execution – filed 11/03/2016	Vol. LX - 7364
Memorandum in Support of Valiant Idaho, LLC’s Motion for an Order of Sale of Real Property – filed 07/22/2015	Vol. XXV - 2912
Memorandum in Support of Valiant Idaho, LLC’s Motion for Entry of Final Judgment – filed 05/20/2015 ...	Vol. XXII - 2605
Memorandum in Support of Valiant Idaho, LLC’s Motion for Leave to Amend Third Party Complaint to Join an Additional Party – filed 11/24/2014	Vol. XI - 1371
Memorandum in Support of Valiant Idaho, LLC’s Motion for Order of Sale of Real Property – filed 06/22/2016	Vol. XLI - 4997
Memorandum in Support of Valiant Idaho, LLC’s Motion for Relief from Automatic Stay – filed 09/21/2016	Vol. LIV - 6566
Memorandum in Support of Valiant Idaho, LLC’s Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 01/20/2015	Vol. XIV - 1725
Memorandum in Support of Valiant Idaho, LLC’s Motion <i>In Limine</i> re: North Idaho Resorts, LLC and VP, Inc. – filed 12/15/2015	Vol. XXXIV - 4036
Memorandum in Support of Valiant Idaho, LLC’s Motion <i>In Limine</i> re: North Idaho Resorts, LLC and VP, Inc.(Continued) – filed 12/15/2015.....	Vol. XXXV - 4036
Memorandum in Support of Valiant Idaho, LLC’s Motion <i>In Limine</i> re: JV, LLC – filed 12/15/2015.....	Vol. XXXV - 4051
Memorandum in Support of Valiant Idaho, LLC’s Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVIII - 3253
Memorandum in Support of Valiant Idaho, LLC’s Motion to Amend Decree of Foreclosure – filed 08/19/2015	Vol. XXVII - 3244
Memorandum in Support of Valiant Idaho, LLC’s Motion to Clarify Court’s Memorandum Decision and Order Granting Valiant Idaho, LLC’s Motion to Enforce Judgment – filed 03/20/2017	Vol. LXXV - 9402
Memorandum in Support of Valiant Idaho, LLC’s Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/08/2017	Vol. LXVII - 8271
Memorandum in Support of Valiant Idaho, LLC’s Motion to Strike Inadmissible Evidence – filed 10/09/2015	Vol. XXXI - 3737
Memorandum in Support of Valiant Idaho, LLC’s Second Motion to Strike Inadmissible Evidence – filed 10/20/2015	Vol. XXXIII - 3945
Memorandum in Support of Valiant Idaho, LLC’s Third Motion for Summary Judgment – filed 09/25/2015	Vol. XXXI - 3627
Memorandum in Support of VP, Inc.’s Motion for New Trial – filed 08/03/2016.....	Vol. XLV - 5546

Memorandum in Support of VP, Inc.'s Motion to Alter, Amend, and Reconsider the Decree of Foreclosure and Judgment – filed 08/04/2016	Vol. XLVI - 5555
Memorandum in Support of VP, Inc.'s Motion to Strike the Declaration of William Haberman – filed 04/21/2016 .	Vol. XXXVII - 4484
Motion for Enlargement of Time to File North Idaho Resorts, LLC and VP, Inc.'s Reply Memorandum in Support of Motion to Reconsider and Motion to Alter and Amend Judgment – filed 10/22/2015	Vol. XXXIII - 3986
Motion for Leave to Amend Answer to Allege a Counterclaim and Cross-claim, and to Serve Third Party Complaint – filed 11/05/2014	Vol. VIII - 977
Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/07/2017	Vol. LXXV - 9386
Motion for Reconsideration and Clarification – filed 04/29/2015	Vol. XXII - 2596
Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 08/10/2016	Vol. XLVI - 5682
Motion to Dissolve Temporary Restraining Order – filed 04/13/2017	Vol. LXXVIII - 9714
Motion to Enlarge Time to Respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/17/2017	Vol. LXXVIII - 9733
Motion to Shorten Time to Have Heard Valiant Idaho, LLC's (1) Motion Contesting JV, LLC's Third Party Claim; and Opposition to JV, LLC's Motion for Stay of Execution; and (2) Motion for Sanctions under IC 12-123 and IRCP 11 – filed 11/03/2016	Vol. LX - 7369
Motion to Shorten Time to Have Heard Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence – filed 10/20/2015	Vol. XXXIII - 3911
Motion to Strike Memoranda and Declarations/Affidavits in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment or, in the Alternative, Motion for Extension of Time to File Reply Memoranda – filed 10/16/2015	Vol. XXXII - 3864
Motion to Substitute Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest – filed 10/06/2014	Vol. VIII - 928
Motion to Substitute Valiant Idaho, LLC in Place of Pensco Trust Co, as the Real Party in Interest – filed 10/06/2014	Vol. VIII - 941
Motion to Substitute Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest – filed 07/21/2014	Vol. V - 656
Motion to Substitute Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest – filed 08/18/2014	Vol. V - 670
North Idaho Resorts, LLC and VP, Inc.'s Memorandum in Opposition to Valiant Idaho's Motion to Amend Degree of Foreclosure and Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/26/2015 .	Vol. XXIX - 3413
North Idaho Resorts, LLC and VP, Inc.'s Memorandum in Support of Motion to Reconsider and Motion to Alter and Amend Judgment – filed 08/19/2015	Vol. XXVII - 3116
North Idaho Resorts, LLC and VP, Inc.'s Motion to Reconsider and Motion to Alter and Amend Judgment – filed 08/19/2015	Vol. XXVII - 3114

North Idaho Resorts, LLC and VP, Inc.'s Reply Memorandum in Support of Motion to Reconsider and Motion to Alter and Amend Judgment – filed 10/22/2015	Vol. XXXIII - 3982
North Idaho Resorts, LLC's Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure – filed 09/19/2014	Vol. VII - 860
North Idaho Resorts, LLC's Motion for Entry of Default (Genesis Golf Builders) – filed 10/25/2013	Vol. III - 407
Notice of Amended Appeal (NIR, LLC) – filed 10/06/2016	Vol. LVII - 7031
Notice of Amended Appeal (NIR, LLC) (Continued) – filed 10/06/2016	Vol. LVIII - 7071
Notice of Amended Appeal (NIR, LLC) (Continued) – filed 10/06/2016	Vol. LIX - 7212
Notice of Appeal (NIR) – filed 09/09/2016	Vol. IL - 5941
Notice of Appeal (NIR) (Continued) – filed 09/09/2016	Vol. L - 6041
Notice of Appeal (VP, Inc.) – filed 10/06/2016	Vol. LVI - 6828
Notice of Appeal (VP, Inc.) (Continued) – filed 10/06/2016	Vol. LVII - 6932
Notice of Appeal by JV, LLC – filed 09/20/2016.....	Vol. LI - 6137
Notice of Appeal by JV, LLC (Continued) – filed 09/20/2016	Vol. LII - 6267
Notice of Appearance – filed 09/29/2011	Vol. II - 290
Notice of Appearance – filed 10/14/2010	Vol. II - 233
Notice of Change of Firm Affiliation – filed 07/18/2014	Vol. V - 643
Notice of Denial of Oral Argument for Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/23/2016	Vol. LIV - 6578
Notice of Filing Proposed Order – filed 04/26/2017	Vol. LXXVIII - 9838
Notice of Hearing – filed 11/03/2016	Vol. LX - 7357
Notice of Hearing on North Idaho Resorts, LLC and VP, Inc.'s Objection to Lodged Record and Objection to Certificate of Mailing of Clerk's Record – filed 04/26/2017	Vol. LXXVIII - 9836
Notice of Hearing on Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 01/20/2015	Vol. XVIII - 2070
Notice of Hearing on Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVIII - 3329
Notice of Hearing on Valiant Idaho, LLC's Motion to Clarify Court's Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/20/2017	Vol. LXXV - 9409
Notice of Levy (268811) – filed 10/31/2016	Vol. LIX - 7283
Notice of Levy (268813) – filed 10/31/2016	Vol. LIX - 7291
Notice of Levy (268815) – filed 10/31/2016	Vol. LIX - 7300

Notice of Levy Under Writ of Execution – filed 09/21/2016	Vol. LIII - 6508
Notice of Levy Under Writ of Execution – filed 12/22/2016	Vol. LXII - 7657
Notice of Sheriff's Sale – filed 09/21/2016	Vol. LIV - 6531
Notice of Sheriff's Sale – filed 12/22/2016	Vol. LXIII - 7715
Notice of Sheriff's Sale (268812) – filed 10/31/2016.....	Vol. LIX - 7288
Notice of Sheriff's Sale (268814) – filed 10/31/2016.....	Vol. LIX - 7297
Notice of Sheriff's Sale (268816) – filed 10/31/2016.....	Vol. LIX - 7306
Notice of Special Appearance – filed 08/21/2015	Vol. XXVIII - 3334
Notice re: Proposed Judgment (as Between Defendant VP, Inc. and North Idaho Resorts and the Defendant JV, LLC) – filed 09/17/2015	Vol. XXX - 3545
Notice to Counsel – filed 04/06/2017	Vol. LXXVI - 9453
Objection to Lodged Record and Objection to Certificate of Mailing of Clerk's Record – filed 04/25/2017	Vol. LXXVIII - 9825
Objection to Lodged Record and Objection to Certificate of Mailing of Clerk's Record – filed 04/26/2017	Vol. LXXIX - 9844
Objection to Motion for an Order of Sale of Real Property – filed 08/04/2015	Vol. XXV - 2981
Objection to Proposed Final Judgment – filed 07/07/2015	Vol. XXIV - 2844
Objection to Valiant Idaho's Second Motion for an Order of Sale of Real Property – filed 06/29/2016	Vol. XLI - 5015
Order Denying JV, LLC's Request for Oral Argument – filed 08/03/2016.....	Vol. XLV - 5540
Order Denying Motions to Strike – filed 04/27/2016	Vol. XXXVII - 4487
Order Denying VP, Inc.'s Request for Oral Argument on Motion to Alter, Amend and Reconsider – filed 08/04/2016	Vol. XLVI - 5575
Order Denying VP, Incorporated's Motion to Dismiss Third Party Complaint – filed 11/19/2014	Vol. X - 1174
Order Dismissing all Claims with Prejudice against Interstate Concrete and Asphalt Company – filed 09/13/2012	Vol. II - 330
Order Dismissing R.C. Worst & Company, and All Claims, Counterclaims, and Cross Claims thereof Pursuant to Oral Offer of Resolution Advanced to the Court on May 28, 2014 – filed 06/02/2014.....	Vol. V - 636
Order Extending the Temporary Restraining Order Against VP, Incorporated – filed 04/20/2017...	Vol. LXXVIII - 9819
Order for Entry of Default (Genesis Golf Builders) – filed 08/15/2013	Vol. III - 386
Order for Entry of Default (Genesis Golf Builders) – filed 11/01/2013	Vol. III - 423
Order for Entry of Default (Genesis Golf Builders, Inc.) – filed 08/29/2013	Vol. III - 392

Order for Entry of Default Against Amy Korengut – filed 12/10/2014.....	Vol. XII - 1495
Order for Entry of Default Against Bar K, Inc. – filed 02/03/2015	Vol. XXI - 2353
Order for Entry of Default Against C.E. Kramer Crane & Contracting, Inc. – filed 12/10/2014	Vol. XII - 1515
Order for Entry of Default Against Cross-defendant T-O Engineers, Inc. – filed 09/26/2014	Vol. VII - 896
Order for Entry of Default Against Genesis Golf Builders, Inc. – filed 12/10/2014	Vol. XII - 1507
Order for Entry of Default Against Independent Mortgage Ltd. Co. – filed 01/06/2015	Vol. XIII - 1633
Order for Entry of Default Against Montaheno Investments, LLC – filed 12/10/2014	Vol. XII - 1501
Order for Entry of Default Against Netta Source, LLC – filed 12/10/2014	Vol. XII - 1527
Order for Entry of Default Against Third Party Defendant Pend Oreille Bonner Development Holdings, Inc. – filed 10/21/2014.....	Vol. VIII - 969
Order for Entry of Default Against Third Party Defendants Frederick J. Grant and Christine Grant – filed 05/29/2015 ...	Vol. XXIV - 2773
Order for Entry of Default Against Timberline Investments, LLC – filed 01/06/2015	Vol. XIII - 1639
Order Granting Appellant JV, LLC’s Objection to Clerk’s Record and Motion to Make Additions to Clerk’s Record – filed 05/05/2017	Vol. LXXIX - 9928
Order Granting Appellants VP, Incorporated’s and North Idaho Resorts, LLC’s Objections to Lodged Record and Objections to Certificate of Mailing – filed 05/01/2017	Vol. LXXIX - 9879
Order Granting Cross-defendant, VP, Incorporated’s Request for Extension of Time to Answer or Otherwise Plead to Valiant, LLC’s Amended Answer to Allege a Counter-Claim and Cross-Claim and to Serve Third Party – filed 12/03/2014	Vol. XI - 1379
Order Granting Defendant Wells Fargo’s Motion to Dismiss with Prejudice – filed 03/16/2012	Vol. II - 312
Order Granting Defendants North Idaho Resorts, LLC and VP, Incorporated’s Motion for Enlargement of Time to File Answers and Responses to Discovery Requests Propounded by Valiant Idaho, LLC – filed 03/12/2015	Vol. XXII - 2557
Order Granting Injunction – filed 04/28/2017	Vol. LXXIX - 9871
Order Granting Leave for Withdrawal of Attorney – filed 05/18/2011	Vol. II - 260
Order Granting Motion to Enlarge Time to Respond to VP, Incorporated’s Motion to Dissolve Temporary Restraining Order – filed 04/17/2017.....	Vol. LXXVIII - 9742
Order Granting R.E. Loans, LLC’s Motion to Lift Automatic Stay (Mortgage Fund ’08 LLC) – filed 08/12/2013	Vol. III - 374
Order Granting R.E. Loans, LLC’s Request to Lift Automatic Stay – filed 08/24/2012.....	Vol. II - 325
Order Granting Respondent Valiant Idaho, LLC’s Objection to the Consolidated Clerk’s Record on Appeal – filed 05/03/2017	Vol. LXXIX - 9900
Order Granting Valiant Idaho, LLC Leave to Amend Answer to Allege a Counterclaim and Cross-Claim – filed 11/19/2014	Vol. X - 1164

Order Granting Valiant Idaho, LLC Leave to Serve its Third Party Complaint – filed 11/19/2014	Vol. X - 1160
Order Imposing Rule 11 Sanctions – filed 12/06/2016.....	Vol. LX - 7458
Order of Entry of Default Against Russ Capital Group, LLC – filed 12/10/2014	Vol. XII - 1521
Order of Reassignment – filed 10/09/2014	Vol. VIII - 963
Order on Stipulation to Entry of Judgment Against Charles W. Reeves and Ann B. Reeves – filed 11/20/2014 ...	Vol. XI - 1317
Order on Stipulation to Entry of Judgment Against Dan S. Jacobson, Sage Holdings LLC and Steven G. Lazar – filed 01/06/2015	Vol. XIII - 1645
Order on Stipulation to Entry of Judgment Against First American Title Company of Idaho – filed 12/17/2014	Vol. XIII - 1576
Order on Stipulation to Entry of Judgment Against Idaho Club Homeowner’s Association, Inc. – filed 01/15/2015 .	Vol. XIV - 1700
Order on Stipulation to Entry of Judgment Against Mountain West Bank – filed 02/06/2015	Vol. XXII - 2473
Order on Stipulation to Entry of Judgment Against Pend Oreille Bonner Development Holdings, Inc. – filed 11/20/2014	Vol. XI - 1276
Order on Stipulation to Entry of Judgment Against Pend Oreille Bonner Development, LLC – filed 11/20/2014	Vol. XI - 1296
Order on Valiant Idaho, LLC’s Application for an Extension to Respond to VP, Incorporated’s Motion for Order Allowing Use and Access of Parcels 1 and 2 – filed 03/28/2017	Vol. LXXV - 9421
Order on Valiant Idaho, LLC’s Motion for a Temporary Restraining Order Against VP, Incorporated – filed 04/13/2017	Vol. LXXVII - 9707
Order on Valiant Idaho, LLC’s Motion for an Injunction Against VP, Incorporated – filed 04/26/2017.....	Vol. LXXIX - 9853
Order Partially Vacating the Court’s May 1, 2017 Order Granting NIR’s and VP’s Objection to Lodged Record – filed 05/03/2017	Vol. LXXIX - 9904
Order re: JV, LLC’s Motion and Application for Stay of Execution Upon Posting a Cash Deposit – filed 02/21/2017	Vol. LXXI - 8822
Order re: JV, LLC’s Third Party Claim and Motion for Stay of Execution – filed 11/04/2016	Vol. LX - 7399
Order re: Proposed Judgment and Proposed Decree of Foreclosure – filed 07/18/2016	Vol. XLIII - 5303
Order re: Sale of Real Property – filed 07/14/2016	Vol. XLIII - 5270
Order re: Valiant Idaho LLC’s Motions <i>In Limine</i> – filed 12/29/2015	Vol. XXXV - 4266
Order Regarding Disqualification of Judge – filed 10/06/2014.....	Vol. VIII - 953
Order Requesting Response Brief from Valiant Idaho, LLC – filed 03/27/2017	Vol. LXXV - 9413
Order Requiring Submissions – filed 07/14/2016.....	Vol. XLIII - 5264

Order Setting Trial and Pretrial Order – filed 09/03/2015	Vol. XXX - 3521
Order Settling Trial and Pretrial Order – filed 11/20/2014	Vol. X - 1270
Order Shortening Time to Have Heard Valiant Idaho, LLC’s (1) Motion Contesting JV, LLC’s Third Party Claim; and Opposition to JV, LLC’s Motion for Stay of Execution; and (2) Motion for Sanctions under IC 12-123 and IRCP 11 – filed 11/03/2016	Vol. LX - 7372
Order Substituting Valiant Idaho, LLC in Place of Mortgage Fund ’08 LLC as the Real Party in Interest – filed 11/19/2014	Vol. X - 1171
Order Substituting Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest – filed 11/19/2014	Vol. X - 1168
Order Substituting Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest – filed 08/07/2014	Vol. V - 667
Order Substituting Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest – filed 09/12/2014	Vol. VI - 781
Order Vacating Decree of Foreclosure Entered on August 5, 2015 – filed 09/17/2015	Vol. XXX - 3549
Order Vacating Decree of Foreclosure entered on June 22, 2016 – filed 07/14/2016	Vol. XLIII - 5268
Order Vacating Judgment – filed 07/14/2016	Vol. XLIII - 5266
Order Vacating Judgment Entered on August 5, 2015 – filed 09/17/2015	Vol. XXX - 3552
R.C. Worst & Company, Inc.’s Motion for Entry of Default (Genesis Golf Builders) – filed 08/14/2013	Vol. III - 378
R.E. Loans, LLC’s Answer to Complaint – filed 04/21/2011.....	Vol. II - 245
R.E. Loans, LLC’s Memorandum in Support of its Motion for Summary Judgment Against Cross-claimant ACI Northwest, Inc. – filed 04/29/2014	Vol. III - 441
R.E. Loans, LLC’s Memorandum in Support of its Motion for Summary Judgment Against Cross-claimant R.C. Worst & Company, Inc. – filed 04/29/2014	Vol. IV - 491
R.E. Loans, LLC’s Motion for Entry of Default (Genesis Golf Builders) – filed 08/12/2013.....	Vol. III - 362
R.E. Loans, LLC’s Motion for Summary Judgment Against Cross-Claimant ACI Northwest, Inc. – filed 04/29/2014	Vol. III - 438
R.E. Loans, LLC’s Motion for Summary Judgment Against Cross-Claimant R.C. Worst & Company, Inc. – filed 04/29/2014	Vol. IV - 488
R.E. Loans, LLC’s Motion to Lift Automatic Stay (Mortgage Fund ’08 LLC) – filed 06/26/2013	Vol. II - 336
R.E. Loans, LLC’s Request to Lift the Automatic Stay – filed 06/28/2012	Vol. II - 317
Renewed Motion for Reconsideration and Clarification – filed 06/16/2015	Vol. XXIV - 2781
Reply by R.E. Loans, LLC to Cross-claim by ACI Northwest, Inc. – filed 02/04/2011.....	Vol. II - 237
Reply Memorandum in Support of Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC’s Motion to Enforce Judgment – filed 04/17/2017	Vol. LXXVIII - 9745

Reply Memorandum in Support of Renewed Motion for Reconsideration and Clarification – filed 07/07/2015 ...	Vol. XXIV - 2837
Reply Memorandum in Support of Valiant Idaho, LLC’s Motion <i>In Limine</i> re: North Idaho Resorts, LLC and VP, Inc. – filed 12/28/2015.....	Vol. XXXV - 4243
Reply Memorandum in Support of Valiant Idaho, LLC’s Motion <i>In Limine</i> re: JV, LLC – filed 12/28/2015.....	Vol. XXXV - 4253
Reply Memorandum to Valiant’s Opposition to Motion for New Trial – filed 08/15/2016	Vol. XLVII - 5787
Reply to Defendants North Idaho Resorts, LLC’s and VP, Incorporated’s Memorandum in Opposition to Valiant Idaho, LLC’s Motion to Strike Inadmissible Evidence – filed 10/21/2015	Vol. XXXIII - 3962
Reply to JV, LLC’s Response to Valiant Idaho, LLC’s Motion to Strike Inadmissible Evidence – filed 10/21/2015..	Vol. XXXIII - 3955
Request for Judicial Notice – filed 02/04/2015	Vol. XXI - 2372
ROA Report for Case CV2009-1810 – printed May 10, 2017.....	Vol. I - 65
Second Subpoena Duces Tecum to First American Title Company – filed 09/18/2015.....	Vol. XXX - 3620
Sheriff’s Certificate of Sale (Idaho Club – Parcel 1) – filed 12/22/2016	Vol. LXII - 7747
Sheriff’s Certificate of Sale (Idaho Club – Parcel 10) – filed 12/22/2016	Vol. LXII - 7767
Sheriff’s Certificate of Sale (Idaho Club – Parcel 100) – filed 12/22/2016	Vol. LXV - 8039
Sheriff’s Certificate of Sale (Idaho Club – Parcel 101) – filed 12/22/2016	Vol. LXV - 8042
Sheriff’s Certificate of Sale (Idaho Club – Parcel 102) – filed 12/22/2016	Vol. LXV - 8045
Sheriff’s Certificate of Sale (Idaho Club – Parcel 103) – filed 12/22/2016	Vol. LXV - 8048
Sheriff’s Certificate of Sale (Idaho Club – Parcel 104) – filed 12/22/2016	Vol. LXV - 8051
Sheriff’s Certificate of Sale (Idaho Club – Parcel 105) – filed 12/22/2016	Vol. LXV - 8054
Sheriff’s Certificate of Sale (Idaho Club – Parcel 106) – filed 12/22/2016	Vol. LXV - 8057
Sheriff’s Certificate of Sale (Idaho Club – Parcel 107) – filed 12/22/2016	Vol. LXV - 8060
Sheriff’s Certificate of Sale (Idaho Club – Parcel 108) – filed 12/22/2016	Vol. LXV - 8063
Sheriff’s Certificate of Sale (Idaho Club – Parcel 109) – filed 12/22/2016	Vol. LXV - 8066
Sheriff’s Certificate of Sale (Idaho Club – Parcel 11) – filed 12/22/2016	Vol. LXII - 7770
Sheriff’s Certificate of Sale (Idaho Club – Parcel 110) – filed 12/22/2016	Vol. LXV - 8069
Sheriff’s Certificate of Sale (Idaho Club – Parcel 111) – filed 12/22/2016	Vol. LXV - 8072
Sheriff’s Certificate of Sale (Idaho Club – Parcel 112) – filed 12/22/2016	Vol. LXV - 8075
Sheriff’s Certificate of Sale (Idaho Club – Parcel 113) – filed 12/22/2016	Vol. LXV - 8078

Sheriff's Certificate of Sale (Idaho Club – Parcel 114) – filed 12/22/2016	Vol. LXV - 8081
Sheriff's Certificate of Sale (Idaho Club – Parcel 115) – filed 12/22/2016	Vol. LXV - 8084
Sheriff's Certificate of Sale (Idaho Club – Parcel 116) – filed 12/22/2016	Vol. LXV - 8087
Sheriff's Certificate of Sale (Idaho Club – Parcel 117) – filed 12/22/2016	Vol. LXV - 8090
Sheriff's Certificate of Sale (Idaho Club – Parcel 118) – filed 12/22/2016	Vol. LXV - 8093
Sheriff's Certificate of Sale (Idaho Club – Parcel 119) – filed 12/22/2016	Vol. LXV - 8097
Sheriff's Certificate of Sale (Idaho Club – Parcel 12) – filed 12/22/2016	Vol. LXII - 7773
Sheriff's Certificate of Sale (Idaho Club – Parcel 120) – filed 12/22/2016	Vol. LXV - 8100
Sheriff's Certificate of Sale (Idaho Club – Parcel 122) – filed 12/22/2016	Vol. LXV - 8103
Sheriff's Certificate of Sale (Idaho Club – Parcel 123) – filed 12/22/2016	Vol. LXV - 8106
Sheriff's Certificate of Sale (Idaho Club – Parcel 124) – filed 12/22/2016	Vol. LXV - 8109
Sheriff's Certificate of Sale (Idaho Club – Parcel 125) – filed 12/22/2016	Vol. LXV - 8112
Sheriff's Certificate of Sale (Idaho Club – Parcel 126) – filed 12/22/2016	Vol. LXV - 8115
Sheriff's Certificate of Sale (Idaho Club – Parcel 127) – filed 12/22/2016	Vol. LXV - 8118
Sheriff's Certificate of Sale (Idaho Club – Parcel 128) – filed 12/22/2016	Vol. LXV - 8121
Sheriff's Certificate of Sale (Idaho Club – Parcel 129) – filed 12/22/2016	Vol. LXVI - 8124
Sheriff's Certificate of Sale (Idaho Club – Parcel 13) – filed 12/22/2016	Vol. LXII - 7776
Sheriff's Certificate of Sale (Idaho Club – Parcel 130) – filed 12/22/2016	Vol. LXVI - 8127
Sheriff's Certificate of Sale (Idaho Club – Parcel 131) – filed 12/22/2016	Vol. LXVI - 8130
Sheriff's Certificate of Sale (Idaho Club – Parcel 132) – filed 12/22/2016	Vol. LXVI - 8133
Sheriff's Certificate of Sale (Idaho Club – Parcel 133) – filed 12/22/2016	Vol. LXVI - 8136
Sheriff's Certificate of Sale (Idaho Club – Parcel 134) – filed 12/22/2016	Vol. LXVI - 8139
Sheriff's Certificate of Sale (Idaho Club – Parcel 135) – filed 12/22/2016	Vol. LXVI - 8142
Sheriff's Certificate of Sale (Idaho Club – Parcel 136) – filed 12/22/2016	Vol. LXVI - 8145
Sheriff's Certificate of Sale (Idaho Club – Parcel 137) – filed 12/22/2016	Vol. LXVI - 8148
Sheriff's Certificate of Sale (Idaho Club – Parcel 138) – filed 12/22/2016	Vol. LXVI - 8151
Sheriff's Certificate of Sale (Idaho Club – Parcel 139) – filed 12/22/2016	Vol. LXVI - 8154
Sheriff's Certificate of Sale (Idaho Club – Parcel 14) – filed 12/22/2016	Vol. LXII - 7779
Sheriff's Certificate of Sale (Idaho Club – Parcel 140) – filed 12/22/2016	Vol. LXVI - 8157

Sheriff's Certificate of Sale (Idaho Club – Parcel 141) – filed 12/22/2016	Vol. LXVI - 8160
Sheriff's Certificate of Sale (Idaho Club – Parcel 142) – filed 12/22/2016	Vol. LXVI - 8163
Sheriff's Certificate of Sale (Idaho Club – Parcel 143) – filed 12/22/2016	Vol. LXVI - 8166
Sheriff's Certificate of Sale (Idaho Club – Parcel 144) – filed 12/22/2016	Vol. LXVI - 8169
Sheriff's Certificate of Sale (Idaho Club – Parcel 145) – filed 12/22/2016	Vol. LXVI - 8172
Sheriff's Certificate of Sale (Idaho Club – Parcel 146) – filed 12/22/2016	Vol. LXVI - 8175
Sheriff's Certificate of Sale (Idaho Club – Parcel 147) – filed 12/22/2016	Vol. LXVI - 8178
Sheriff's Certificate of Sale (Idaho Club – Parcel 148) – filed 12/22/2016	Vol. LXVI - 8181
Sheriff's Certificate of Sale (Idaho Club – Parcel 149) – filed 12/22/2016	Vol. LXVI - 8184
Sheriff's Certificate of Sale (Idaho Club – Parcel 15) – filed 12/22/2016	Vol. LXII - 7782
Sheriff's Certificate of Sale (Idaho Club – Parcel 150) – filed 12/22/2016	Vol. LXVI - 8187
Sheriff's Certificate of Sale (Idaho Club – Parcel 151) – filed 12/22/2016	Vol. LXVI - 8190
Sheriff's Certificate of Sale (Idaho Club – Parcel 152) – filed 12/22/2016	Vol. LXVI - 8193
Sheriff's Certificate of Sale (Idaho Club – Parcel 153) – filed 12/22/2016	Vol. LXVI - 8196
Sheriff's Certificate of Sale (Idaho Club – Parcel 154) – filed 12/22/2016	Vol. LXVI - 8199
Sheriff's Certificate of Sale (Idaho Club – Parcel 155) – filed 12/22/2016	Vol. LXVI - 8202
Sheriff's Certificate of Sale (Idaho Club – Parcel 156) – filed 12/22/2016	Vol. LXVI - 8205
Sheriff's Certificate of Sale (Idaho Club – Parcel 157) – filed 12/22/2016	Vol. LXVI - 8208
Sheriff's Certificate of Sale (Idaho Club – Parcel 158) – filed 12/22/2016	Vol. LXVI - 8211
Sheriff's Certificate of Sale (Idaho Club – Parcel 159) – filed 12/22/2016	Vol. LXVI - 8214
Sheriff's Certificate of Sale (Idaho Club – Parcel 16) – filed 12/22/2016	Vol. LXII - 7785
Sheriff's Certificate of Sale (Idaho Club – Parcel 163) – filed 12/22/2016	Vol. LXVI - 8219
Sheriff's Certificate of Sale (Idaho Club – Parcel 17) – filed 12/22/2016	Vol. LXII - 7788
Sheriff's Certificate of Sale (Idaho Club – Parcel 177) – filed 12/22/2016	Vol. LXVI - 8223
Sheriff's Certificate of Sale (Idaho Club – Parcel 19) – filed 12/22/2016	Vol. LXII - 7791
Sheriff's Certificate of Sale (Idaho Club – Parcel 2) – filed 12/22/2016	Vol. LXII - 7750
Sheriff's Certificate of Sale (Idaho Club – Parcel 20) – filed 12/22/2016	Vol. LXII - 7795
Sheriff's Certificate of Sale (Idaho Club – Parcel 21) – filed 12/22/2016	Vol. LXII - 7798
Sheriff's Certificate of Sale (Idaho Club – Parcel 22) – filed 12/22/2016	Vol. LXII - 7801

Sheriff's Certificate of Sale (Idaho Club – Parcel 23) – filed 12/22/2016	Vol. LXII - 7804
Sheriff's Certificate of Sale (Idaho Club – Parcel 24) – filed 12/22/2016	Vol. LXII - 7807
Sheriff's Certificate of Sale (Idaho Club – Parcel 25) – filed 12/22/2016	Vol. LXII - 7810
Sheriff's Certificate of Sale (Idaho Club – Parcel 26) – filed 12/22/2016	Vol. LXII - 7813
Sheriff's Certificate of Sale (Idaho Club – Parcel 27) – filed 12/22/2016	Vol. LXII - 7816
Sheriff's Certificate of Sale (Idaho Club – Parcel 28) – filed 12/22/2016	Vol. LXII - 7819
Sheriff's Certificate of Sale (Idaho Club – Parcel 29) – filed 12/22/2016	Vol. LXII - 7822
Sheriff's Certificate of Sale (Idaho Club – Parcel 30) – filed 12/22/2016	Vol. LXII - 7825
Sheriff's Certificate of Sale (Idaho Club – Parcel 31) – filed 12/22/2016	Vol. LXII - 7828
Sheriff's Certificate of Sale (Idaho Club – Parcel 32) – filed 12/22/2016	Vol. LXII - 7831
Sheriff's Certificate of Sale (Idaho Club – Parcel 33) – filed 12/22/2016	Vol. LXII - 7834
Sheriff's Certificate of Sale (Idaho Club – Parcel 34) – filed 12/22/2016	Vol. LXII - 7837
Sheriff's Certificate of Sale (Idaho Club – Parcel 35) – filed 12/22/2016	Vol. LXII - 7840
Sheriff's Certificate of Sale (Idaho Club – Parcel 36) – filed 12/22/2016	Vol. LXII - 7843
Sheriff's Certificate of Sale (Idaho Club – Parcel 37) – filed 12/22/2016	Vol. LXII - 7846
Sheriff's Certificate of Sale (Idaho Club – Parcel 38) – filed 12/22/2016	Vol. LXII - 7849
Sheriff's Certificate of Sale (Idaho Club – Parcel 39) – filed 12/22/2016	Vol. LXIV - 7852
Sheriff's Certificate of Sale (Idaho Club – Parcel 40) – filed 12/22/2016	Vol. LXIV - 7855
Sheriff's Certificate of Sale (Idaho Club – Parcel 41) – filed 12/22/2016	Vol. LXIV - 7858
Sheriff's Certificate of Sale (Idaho Club – Parcel 42) – filed 12/22/2016	Vol. LXIV - 7861
Sheriff's Certificate of Sale (Idaho Club – Parcel 43) – filed 12/22/2016	Vol. LXIV - 7864
Sheriff's Certificate of Sale (Idaho Club – Parcel 44) – filed 12/22/2016	Vol. LXIV - 7867
Sheriff's Certificate of Sale (Idaho Club – Parcel 45) – filed 12/22/2016	Vol. LXIV - 7870
Sheriff's Certificate of Sale (Idaho Club – Parcel 46) – filed 12/22/2016	Vol. LXIV - 7873
Sheriff's Certificate of Sale (Idaho Club – Parcel 47) – filed 12/22/2016	Vol. LXIV - 7876
Sheriff's Certificate of Sale (Idaho Club – Parcel 48) – filed 12/22/2016	Vol. LXIV - 7879
Sheriff's Certificate of Sale (Idaho Club – Parcel 49) – filed 12/22/2016	Vol. LXIV - 7881
Sheriff's Certificate of Sale (Idaho Club – Parcel 50) – filed 12/22/2016	Vol. LXIV - 7884

Sheriff's Certificate of Sale (Idaho Club – Parcel 8) – filed 12/22/2016	Vol. LXII - 7761
Sheriff's Certificate of Sale (Idaho Club – Parcel 80) – filed 12/22/2016	Vol. LXIV - 7978
Sheriff's Certificate of Sale (Idaho Club – Parcel 81) – filed 12/22/2016	Vol. LXIV - 7981
Sheriff's Certificate of Sale (Idaho Club – Parcel 82) – filed 12/22/2016	Vol. LXIV - 7984
Sheriff's Certificate of Sale (Idaho Club – Parcel 83) – filed 12/22/2016	Vol. LXV - 7987
Sheriff's Certificate of Sale (Idaho Club – Parcel 84) – filed 12/22/2016	Vol. LXV - 7990
Sheriff's Certificate of Sale (Idaho Club – Parcel 85) – filed 12/22/2016	Vol. LXV - 7993
Sheriff's Certificate of Sale (Idaho Club – Parcel 86) – filed 12/22/2016	Vol. LXV - 7996
Sheriff's Certificate of Sale (Idaho Club – Parcel 87) – filed 12/22/2016	Vol. LXV - 7999
Sheriff's Certificate of Sale (Idaho Club – Parcel 88) – filed 12/22/2016	Vol. LXV - 8002
Sheriff's Certificate of Sale (Idaho Club – Parcel 89) – filed 12/22/2016	Vol. LXV - 8005
Sheriff's Certificate of Sale (Idaho Club – Parcel 9) – filed 12/22/2016	Vol. LXII - 7764
Sheriff's Certificate of Sale (Idaho Club – Parcel 90) – filed 12/22/2016	Vol. LXV - 8008
Sheriff's Certificate of Sale (Idaho Club – Parcel 91) – filed 12/22/2016	Vol. LXV - 8011
Sheriff's Certificate of Sale (Idaho Club – Parcel 92) – filed 12/22/2016	Vol. LXV - 8014
Sheriff's Certificate of Sale (Idaho Club – Parcel 93) – filed 12/22/2016	Vol. LXV - 8017
Sheriff's Certificate of Sale (Idaho Club – Parcel 94) – filed 12/22/2016	Vol. LXV - 8020
Sheriff's Certificate of Sale (Idaho Club – Parcel 95) – filed 12/22/2016	Vol. LXV - 8023
Sheriff's Certificate of Sale (Idaho Club – Parcel 96) – filed 12/22/2016	Vol. LXV - 8027
Sheriff's Certificate of Sale (Idaho Club – Parcel 97) – filed 12/22/2016	Vol. LXV - 8030
Sheriff's Certificate of Sale (Idaho Club – Parcel 98) – filed 12/22/2016	Vol. LXV - 8033
Sheriff's Certificate of Sale (Idaho Club – Parcel 99) – filed 12/22/2016	Vol. LXV - 8036
Sheriff's Certificate on Return of Service, Writ of Execution – filed 04/06/2017	Vol. LXXV - 9446
Sheriff's Certificate on Return of Service, Writ of Execution (NIR) – filed 11/18/2016	Vol. LX - 7411
Sheriff's Certificate on Return of Service, Writ of Execution (VP, Inc.)– filed 11/18/2016	Vol. LX - 7424
Sheriff's Return on Sale – filed 12/22/2016	Vol. LXII - 7680
Sheriff's Return on Writ of Execution – filed 12/22/2016	Vol. LXII - 7714
Sheriff's Service on Writ of Execution – filed 09/21/2016	Vol. LIII - 6507
Special Appearance on Behalf of Defendant Mortgage Fund '08, LLC – filed 10/05/2010	Vol. II - 228

Special Appearance on Behalf of Defendant Pensco Trust Co., Custodian FBO Barney Ng – filed 05/24/2010 . Vol. II - 201	
Stay Order (Mortgage Fund '08, LLC) – filed 09/29/2011.....	Vol. II - 284
Stay Order (R.E. Loans, LLC) – filed 09/29/2011.....	Vol. II - 275
Stipulation for Settlement and Dismissal of JV, LLC's Third Party Complaint Against Idaho Club Homeowner's Association, Inc. – filed 01/09/2015	Vol. XIII - 1666
Stipulation for Settlement and for Judgment as Between Defendant VP, Inc. and North Idaho Resorts and the Defendant JV, LLC – filed 08/24/2015	Vol. XXVIII - 3340
Stipulation to Entry of Judgment Against Charles W. Reeves and Anna B. Reeves – filed 11/19/2014.....	Vol. X - 1200
Stipulation to Entry of Judgment Against Dan S. Jacobson; Sage Holdings, LLC; and Steven G. Lazar – filed 01/02/2015	Vol. XIII - 1611
Stipulation to Entry of Judgment Against First American Title Company of Idaho – filed 12/17/2014	Vol. XIII - 1555
Stipulation to Entry of Judgment Against Idaho Club Homeowner's Association, Inc. – filed 01/12/2015.....	Vol. XIII - 1673
Stipulation to Entry of Judgment Against Mountain West Bank – filed 02/04/2015	Vol. XXI - 2452
Stipulation to Entry of Judgment Against Pend Oreille Bonner Development, LLC – filed 11/19/2014	Vol. X - 1178
Stipulation to Entry of Judgment Against Pend Oreille Bonner Development Holdings, Inc. – filed 11/19/2014 .	Vol. X - 1221
Subpoena Duces Tecum to First American Tile Company – filed 09/18/2015	Vol. XXX - 3555
Substitution of Counsel – filed 08/29/2011	Vol. II - 264
Summons on Third Party Complaint brought by Third Party Plaintiff Valiant Idaho, LLC [Pend Oreille Bonner Development Holdings, Inc.] – filed 09/03/2014	Vol. VI - 768
Supplemental Declaration of Jeff R. Sykes in Support of Memorandum in Reply to JV, LLC's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment – filed 03/11/2015.....	Vol. XXII - 2528
Supplemental Memorandum in Support of Valiant Idaho, LLC's Motion Contesting JV, LLC's Third Party Claim; and Opposition to JV, LLC's Motion for Stay of Execution – filed 11/04/2016	Vol. LX - 7387
Supreme Court Order re: 44583 - Consolidating Appeal nos. 44583, 44584 and 44585 – filed 11/04/2016	Vol. I - 166
Supreme Court Order re: 44584 - Consolidating Appeal nos. 44583, 44584 and 44585 – filed 11/04/2016	Vol. I - 168
Supreme Court Order re: 44585 - Consolidating Appeal nos. 44583, 44584 and 44585 – filed 11/04/2016	Vol. I - 170
Table of Contents.....	Vol. I - 3
Third Party Defendant Idaho Club Homeowner's Association, Inc.'s Motion and Memorandum to Dismiss Claim Asserted by Third Party Plaintiff JV, LLC – filed 11/07/2014.....	Vol. VIII - 996
Third Party Defendant Panhandle Management, Incorporated's Motion and Memorandum to Dismiss Claims Asserted by Third Party Plaintiff JV, LLC – filed 11/07/2014.....	Vol. VIII - 1006

Title Page	Vol. I - 1
Valiant Idaho, LLC's Amended Request for Additional Transcript and Record on Appeal – filed 10/20/2016	Vol. I - 7279
Valiant Idaho, LLC's Amended Request for Additional Transcript and Record on Appeal – filed 01/30/2017	Vol. LXVII - 8254
Valiant Idaho, LLC's Application for an Extension to Respond to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment – filed 03/28/2017	Vol. LXXV - 9418
Valiant Idaho, LLC's Closing Argument – filed 03/14/2016	Vol. XXXVII - 4444
Valiant Idaho, LLC's Counterclaim, Cross-claim and Third Party Complaint for Judicial Foreclosure – filed 08/19/2014	Vol. VI - 739
Valiant Idaho, LLC's Identification of Trial Exhibits – filed 01/14/2016	Vol. XXXVI - 4286
Valiant Idaho, LLC's Identification of Trial Witnesses – filed 01/14/2016	Vol. XXXVI - 4294
Valiant Idaho, LLC's Memorandum in Opposition to JV, LLC's Motion to Alter, Amend, and Reconsider re: (1) Memorandum Decision and Order; (2) Judgment; (3) Decree of Foreclosure; and (4) Order of Sale – filed 08/10/2016 ..	Vol. XLVI - 5584
Valiant Idaho, LLC's Memorandum in Opposition to JV, LLC's Objection and Motion to Disallow Memorandum of Costs and Attorney's Fees – filed 08/11/2016	Vol. XLVII - 5728
Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion for a New Trial – filed 08/10/2016	Vol. XLVI - 5577
Valiant Idaho, LLC's Memorandum in Opposition to VP, Inc.'s Motion to Alter, Amend and Reconsider the Decree of Foreclosure and Judgment – filed 08/10/2016	Vol. XLVI - 5673
Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, and Application for Stay of Enforcement of Order Granting Motion to Enforce Judgment –filed 04/12/2017	Vol. LXXVII - 9665
Valiant Idaho, LLC's Memorandum in Opposition to VP, Incorporated's Motion to Dissolve Temporary Restraining Order – filed 04/18/2017	Vol. LXXVIII - 9790
Valiant Idaho, LLC's Memorandum in Reply to VP, Incorporated's Opposition to Motion to Clarify Court's Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 04/03/2017	Vol. LXXV - 9436
Valiant Idaho, LLC's Memorandum in Response to VP, Inc.'s Objection and Motion to Disallow Memorandum of Costs and Attorney's Fees – filed 08/11/2016	Vol. XLVII - 5746
Valiant Idaho, LLC's Memorandum in Support of Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated – filed 04/13/2017	Vol. LXXVII - 9686
Valiant Idaho, LLC's Memorandum in Support of Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 08/11/2016	Vol. XLVII - 5770
Valiant Idaho, LLC's Memorandum in Support of Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 11/03/2016	Vol. LX - 7378

Valiant Idaho, LLC's Memorandum of Costs and Attorney's Fees – filed 07/06/2016	Vol. XLI - 5019
Valiant Idaho, LLC's Memorandum of Costs and Attorneys' Fees Against JV, LLC – filed 11/25/2016...	Vol. LX - 7438
Valiant Idaho, LLC's Motion Contesting JV, LLC's Third Party Claim; and Opposition to JV, LLC's Motion for Stay of Execution – filed 11/03/2016.....	Vol. LX - 7361
Valiant Idaho, LLC's Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated – filed 04/13/2017.....	Vol. LXXVII - 9683
Valiant Idaho, LLC's Motion for an Order of Sale of Real Property – filed 07/22/2015	Vol. XXV - 2880
Valiant Idaho, LLC's Motion for an Order of Sale of Real Property – filed 06/22/2016	Vol. XLI - 4985
Valiant Idaho, LLC's Motion for Entry of Default Against Counter-Defendant Genesis Golf Builders, Inc. – filed 12/08/2014	Vol. XI - 1382
Valiant Idaho, LLC's Motion for Entry of Default Against Cross-defendant T-O Engineers, Inc. – filed 09/26/2014.	Vol. VII - 879
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Pend Oreille Bonner Development Holdings, Inc. – filed 10/03/2014	Vol. VII - 913
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Amy Korengut – filed 12/08/2014	Vol. XI - 1394
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Independent Mortgage Ltd. Co. – filed 12/08/2014.....	Vol. XII - 1414
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant C.E. Kramer Crane & Contracting, Inc. – filed 12/08/2014	Vol. XII - 1429
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Netta Source, LLC – filed 12/08/2014	Vol. XII - 1444
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Montaheno Investments, LLC – filed 12/08/2014	Vol. XII - 1459
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Russ Capital Group, LLC – filed 12/08/2014.....	Vol. XII - 1474
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Timberline Investments, LLC – filed 12/22/2014.....	Vol. XIII - 1596
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendant Bar K, Inc. – filed 02/02/2015.....	Vol. XX - 2337
Valiant Idaho, LLC's Motion for Entry of Default Against Third Party Defendants Frederick J. Grant and Christine Grant – filed 05/22/2015.....	Vol. XXIV - 2749
Valiant Idaho, LLC's Motion for Entry of Final Judgment – filed 05/20/2015.....	Vol. XXII - 2600
Valiant Idaho, LLC's Motion for Leave to Amend Third Party Complaint to Join an Additional Party – filed 11/24/2014	Vol. XI - 1337
Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/21/2016	Vol. LIV - 6562

Valiant Idaho, LLC's Motion for Sanctions Under IC 12-123 and IRCP 11 – filed 11/03/2016	Vol. LX - 7375
Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC; North Idaho Resorts, LLC; and VP, Incorporated – filed 01/20/2015	Vol. XIV - 1720
Valiant Idaho, LLC's Motion <i>In Limine</i> re: JV, LLC – filed 12/15/2015.....	Vol. XXXIV - 4034
Valiant Idaho, LLC's Motion <i>In Limine</i> re: North Idaho Resorts, LLC and VP, Inc. – filed 12/15/2015	Vol. XXXIV - 4032
Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property – filed 08/19/2015	Vol. XXVII - 3249
Valiant Idaho, LLC's Motion to Amend Decree of Foreclosure – filed 08/19/2015	Vol. XXVII - 3240
Valiant Idaho, LLC's Motion to Clarify Court's Memorandum Decision and Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/20/2017	Vol. LXXV - 9399
Valiant Idaho, LLC's Motion to Enforce Judgment Under IAR 13 (b)(10) and 13 (b)(13) – filed 02/08/2017	Vol. LXVII - 8268
Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence – filed 10/09/2015	Vol. XXXI - 3733
Valiant Idaho, LLC's Notice of Depost – filed 04/13/2017.....	Vol. LXXVIII - 9711
Valiant Idaho, LLC's Notice of Hearing on VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2, etc. – filed 03/28/2017	Vol. LXXV - 9415
Valiant Idaho, LLC's Notice of Intent to Take Default – filed 09/10/2014	Vol. VI - 776
Valiant Idaho, LLC's Notice of Intent to Take Default – filed 09/25/2014	Vol. VII - 874
Valiant Idaho, LLC's Notice of Intent to Take Default – filed 10/03/2014	Vol. VII - 911
Valiant Idaho, LLC's Notice of Intent to Take Default – filed 12/08/2014	Vol. XII - 1489
Valiant Idaho, LLC's Notice of Non-Objection to JV, LLC's Motion and Application for Stay of Execution Upon Posting a Cash Deposit, and Errata Thereto – filed 02/16/2017	Vol. LXX - 8743
Valiant Idaho, LLC's Notice of Objection to the Consolidated Clerk's Record on Appeal – filed 05/02/2017.....	Vol. LXXIX - 9883
Valiant Idaho, LLC's Objection to JV, LLC's Proposed Judgment Submitted 09/10/2015 (As Between Defendants JV, LLC and North Idaho Resorts, LLC/VP Incorporated) – filed 09/16/2015	Vol. XXX - 3538
Valiant Idaho, LLC's Objections and Opposition to North Idaho Resorts, LLC and VP, Incorporated's Motion to Reconsider and Motion to Alter and Amend Judgment – filed 10/01/2015	Vol. XXXI - 3721
Valiant Idaho, LLC's Reply to: (1) JV LLC's Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third-party Complaint for Judicial Foreclosure; and (2) JV LLC's Cross-claim and Third Party Complaint – filed 12/15/2014	Vol. XII - 1541
Valiant Idaho, LLC's Request for Additional Transcript and Record on Appeal – filed 09/23/2016	Vol. LIV - 6581
Valiant Idaho, LLC's Request for Additional Transcript and Record on Appeal – filed 10/07/2016	Vol. LIX - 7238
Valiant Idaho, LLC's Request for Additional Transcript and Record on Appeal – filed 10/20/2016	Vol. LIX - 7268

Valiant Idaho, LLC's Response and Objections to JV, LLC's Post-trial Memorandum and Argument – filed 05/26/2016	Vol. XXXVII - 4574
Valiant Idaho, LLC's Response and Rebuttal to VP, Inc.'s Closing Argument – filed 05/26/2016	Vol. XXXVIII - 4551
Valiant Idaho, LLC's Second Motion to Strike Inadmissible Evidence – filed 10/20/2015	Vol. XXXIII - 3940
Valiant Idaho, LLC's Third Motion for Summary Judgment – filed 09/25/2015	Vol. XXX - 3623
Valiant Idaho, LLC's Trial Brief – filed 01/21/2016	Vol. XXXVI - 4306
Valiant Idaho, LLC's Trial Brief – filed 01/25/2016	Vol. XXXVI - 4394
VP Inc.'s Motion to Strike the Declaration of William Haberman – filed 04/21/2016	Vol. XXXVII - 4482
VP Incorporated's Answer to JV, LLC's Cross-Claim – filed 08/21/2015	Vol. XXVIII - 3337
VP, Inc. and NIR, LLC's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Relief from Automatic Stay – filed 09/28/2016	Vol. LIV - 6597
VP, Inc.'s Amended Exhibit List – filed 01/15/2016	Vol. XXXVI - 4298
VP, Inc.'s Amended Supplemental Expert Witness Disclosure – filed 01/08/2016	Vol. XXXV - 4269
VP, Inc.'s Amended Supplemental Expert Witness Disclosure – filed 01/11/2016	Vol. XXXV - 4273
VP, Inc.'s and North Idaho Resorts, LLC's Response to Valiant's Motion <i>In Limine</i> – filed 12/22/2015	Vol. XXXV - 4221
VP, Inc.'s Exhibit List – filed 01/14/2016	Vol. XXXVI - 4278
VP, Inc.'s Expert Witness Disclosure – filed 11/27/2015	Vol. XXXIV - 4020
VP, Inc.'s Lay Witness Disclosure – filed 11/27/2015	Vol. XXXIV - 4024
VP, Inc.'s Memorandum in Opposition to Valiant Idaho, LLC's Motion to Enforce Judgment – filed 02/17/2017 ...	Vol. LXX - 8746
VP, Inc.'s Memorandum in Opposition to Valiant Idaho, LLC's Motion to Clarify Court's Memorandum Decision and Order and Granting Valiant Idaho, LLC's Motion to Enforce Judgment – filed 03/29/2017	Vol. LXXV - 9424
VP, Inc.'s Motion for a New Trial – filed 08/03/2016	Vol. XLV - 5542
VP, Inc.'s Motion for New Trial – filed 08/03/2016	Vol. XLV - 5544
VP, Inc.'s Motion to Alter, Amend, and Reconsider the Decree of Foreclosure and Judgment – filed 08/03/2016	Vol. XLVI - 5553
VP, Inc.'s Motion to Amend Answer to Assert an Affirmative Defense – filed 01/27/2016	Vol. XXXVII - 4413
VP, Inc.'s Opposition to Valiant Idaho's Memorandum of Costs and Attorney Fees – filed 07/20/2016	Vol. XLV - 5503
VP, Inc.'s Supplemental Expert Witness Disclosure – filed 12/04/2015	Vol. XXXIV - 4027
VP, Incorporated's Answer to Valiant Idaho, LLC's Counterclaim, Cross-claim and Third-party Complaint for Judicial Foreclosure – filed 12/11/2014	Vol. XII - 1533

VP, Incorporated's Motion to Dismiss Third Party Complaint – filed 10/06/2014	Vol. VIII - 959
VP, Incorporated's Reply on Motion to Dismiss Third Party Complaint and Response to Motion to Amend Pleadings – filed 11/14/2014.....	Vol. X - 1156
VP's Closing Argument – filed 05/12/2016	Vol. XXXVII - 4535
Wells Fargo's Motion to Dismiss with Prejudice – filed 01/23/2012.....	Vol. II - 298
Withdrawal of Application for Stay - filed 11/22/2016	Vol. LX - 7436
Writ of Assistance – filed 03/06/2017	Vol. LXXV - 9361
Writ of Assistance – filed 04/11/2017	Vol. LXXVII - 9635
Writ of Execution – filed 09/21/2016	Vol. LII - 6318
Writ of Execution – filed 10/05/2016.....	Vol. LIV - 6611
Writ of Execution – filed 12/22/2016	Vol. LXI - 7464
Writ of Execution (Continued) – filed 09/21/2016	Vol. LIII - 6396
Writ of Execution (Continued) – filed 10/05/2016.....	Vol. LV - 6667
Writ of Execution (Continued) – filed 10/05/2016.....	Vol. LVI - 6801
Writ of Execution (Continued) – filed 12/22/2016	Vol. LXII - 7594
Writ of Execution Against JV, LLC – filed 01/09/2017	Vol. LXVI - 8232
Writ of Execution Against JV, LLC – filed 04/06/2017	Vol. LXXVI - 9448
Writ of Execution Against JV, LLC – filed 10/06/2016	Vol. LVI - 6814
Writ of Execution Against JV, LLC for Boundary County – filed 01/30/2017	Vol. LXVII - 8262
Writ of Execution Against JV, LLC for Boundary County – filed 10/13/2016	Vol. LIX - 7255
Writ of Execution Against JV, LLC for Boundary County (268815) – filed 10/31/2016	Vol. LIX - 7303
Writ of Execution Against North Idaho Resorts, LLC – filed 10/06/2016	Vol. LVI - 6806
Writ of Execution Against North Idaho Resorts, LLC for Boundary County – filed 10/13/2016	Vol. LIX - 7260
Writ of Execution Against North Idaho Resorts, LLC for Boundary County (268813) – filed 10/31/2016	Vol. LIX - 7294
Writ of Execution Against North Idaho Resorts, LLC for Boundary County – filed 11/18/2016	Vol. LX - 7413
Writ of Execution Against VP, Incorporated – filed 10/06/2016	Vol. LVI - 6822
Writ of Execution Against VP, Incorporated for Boundary County – filed 10/13/2016.....	Vol. LIX - 7265
Writ of Execution Against VP, Incorporated for Boundary County – filed 11/18/2016.....	Vol. LX - 7426
Writ of Execution Against VP, Incorporated for Boundary County (268811) – filed 10/31/2016.....	Vol. LIX - 7285

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 13 PM 4:18

CLERK DISTRICT COURT

DEPUTY

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY PLLC
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,
formerly known as
NATIONAL GOLF BUILDERS, INC.,
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER
DEVELOPMENT, LLC,**
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S
NOTICE OF DEPOSIT**

Honorable Barbara A. Buchanan

Columbia State Bank

CUSTOMER FEE RECEIPT

IMPORTANT:

Be sure to make this entry in your records.

dmdeuel
PREPARED BY

04/13/2017
DATE

Purchaser: Tom Curtiss

Please debit your Account # 1333252 for:

\$5,000.00 for the purchase of Cashier Check # 1098015 in the amount of \$5,000.00

Payable to: Clerk of the Court

And Cashier Check Fee in the amount of \$8.00

FEE RECEIPT

Cashier Check Fee

DOLLAR
AMOUNT \$ 8.00

CASHIER'S CHECK CUSTOMER COPY

Columbia State Bank

CHECK NUMBER
1098015

Prepared By
dmdeuel

DATE AMOUNT
Apr 13, 2017 \$ *****5,000.00

PAY TO THE ORDER OF:
Clerk of the Court

Purchaser: Tom Curtiss

Notice of deposit - bond

Notice To Customer
The completion of an "Indemnity Bond for Lost Instrument"
and a 90 day waiting period will be required before this
check will be replaced or refunded in the event it is lost,
misplaced or stolen.

THIS DOCUMENT CONTAINS: WATERMARK VISIBLE BY HOLDING UP TO LIGHT SOURCE • BORDER CONTAINS MICROPRINT • CHEMICAL VOID ALTERATION FEATURES • TONER ADHESION AGENT • LARGE FIBERS VISIBLE UNDER UV (BLACK) LIGHT

Columbia Bank
1171 COLUMBIA STATE BANK
34-827/1251

CASHIER'S CHECK

DATE: Apr 13, 2017
CHECK NUMBER: 1098015
\$ *****5,000.00

PAY FIVE THOUSAND AND NO/100 DOLLARS*****

Purchaser: Tom Curtiss

TO THE ORDER OF: CLERK OF THE COURT

NOTICE OF DEPOSIT - BOND

*Void if over \$5,000.00

9712

1098015 1251082721 9000000019

Date: 4/13/2017

First Judicial District Court - Bonner County

NO. 0004995

Time: 04:19 PM

Receipt

Received of: Richard L Stacey

\$ 5000.00

827 East Park Blvd, Suite 201

Boise, ID 83712

Five Thousand and 00/100 Dollars

Case: CV-2009-0001810

Defendant: Genesis Golf Builders, Inc vs. Pend Oreille Bonner Development, LLC, etal.

Cash bond:

5000.00

Check: 1098015 Bank: Columbia Bank

Payment Method: Cashiers Check

Amount Tendered: 5000.00

Michael W. Rosedale, Clerk of The District Court

By: 

Deputy Clerk

Clerk: HENDRICKSO

Duplicate

file copy 9713

Susan P. Weeks, ISB No. 4255
Daniel M. Keyes, ISB No. 9492
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2017 APR 13 PM 4:36
CLERK DISTRICT COURT
DEPUTY

Attorneys for Defendants North Idaho Resorts, LLC and VP, Incorporated

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., formerly
known as NATIONAL GOLF BUILDERS,
INC., a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC, a Nevada limited
liability company; et al.,

Defendants.

Case No. CV-2009-1810

MOTION TO DISSOLVE TEMPORARY
RESTRAINING ORDER

AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN

VP, Incorporated hereby moves the Court pursuant to Idaho Rule Civil Procedure 65(b)(4) for an order dissolving the Order on Valiant Idaho, LLC's Motion for a Temporary Restraining Order Against VP, Incorporated entered April 13, 2017.

A supporting memorandum will be filed tomorrow.

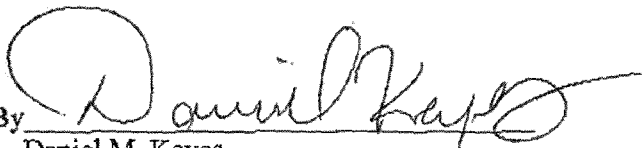
Oral argument is requested.

MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER: 1

9714

DATED this 13th day of April, 2017.

JAMES, VERNON & WEEKS, P.A.

By 
Daniel M. Keyes

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 13th day of April, 2017:

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Facsimile: 208-263-8211


Gary A. Finney
FINNEY FINEY & FINNEY, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Facsimile: 208-489-0110

Richard Stacey
Jeff Sykes
McConnell Wagner Sykes & Stacey, PLLC
827 E. Park Blvd., Ste. 201
Boise, ID 83712



Susan P. Weeks, ISB No. 4255
Daniel M. Keyes, ISB No. 9492
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2017 APR 14 PM 4:23
CLERK DISTRICT COURT


Attorneys for Defendants North Idaho Resorts, LLC and VP, Incorporated

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., formerly
known as NATIONAL GOLF BUILDERS,
INC., a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC, a Nevada limited
liability company; et al.,

Defendants.

Case No. CV-2009-1810

MEMORANDUM IN SUPPORT OF
MOTION TO DISSOLVE TEMPORARY
RESTRAINING ORDER

AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN

VP, Incorporated hereby submits this memorandum in support of its motion to dissolve temporary restraining order.

INTRODUCTION

On July 20, 2016, this Court entered a final judgment and a decree of foreclosure. On December 30, 2016, Valiant sent VP a Notice of Eviction demanding that VP vacate Parcel 1 and Parcel 2 effective February 3, 2017, and indicating if it failed to do so Valiant would seek an

MEMORANDUM IN SUPPORT OF MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER: 1

vfb

9716

ejection from the Court. On February 6, 2017, Valiant filed a motion to enforce judgment asking the Court to evict and eject VP from all 154 parcels it purchased at Sheriff's sale and award Valiant up to \$10,000.00 per day in unpaid rent/damages for what it deemed as VP's unlawful holdover on the property. On March 6, 2017, this Court issued its Memorandum Decision and Order indicating:

- (1) VP continues to occupy and/or use parcels 1 and 2 without Valiant's permission;
- (2) Valiant moved to enforce the judgment, and
- (3) Valiant requested a writ of assistance to eject VP from all properties purchased by Valiant.

The Court stated: "Despite presentment of these Certificates of Sale, VP refused to deliver possession of Parcels 1 and 2 to Valiant **and to discontinue usage of the sanitary sewer and water infrastructure thereupon**, and upon or under any of the other 152 parcels..."

Memorandum Decision and Order, 6 (March 6, 2017). "Valiant is seeking a writ of assistance directing the Sheriff to eject and remove each and every person or entity, including, but not limited to VP, from using, holding, or detaining the 154 parcels and associated fixtures, appurtenances, and improvements, or any part thereof" and to "deliver to Valiant possession of all land, fixtures, appurtenances and improvements without delay." *Id.* The Court concluded "Valiant has the right to possession of the Idaho Club Property, and this Court has the authority under Idaho law to issue a writ of assistance to enforce the terms of the Decree." *Id.* at 15. In the Order, VP was ordered as follows: "VP is ordered to **immediately vacate any and every part of all 154 parcels.**" *Id.* at 18 (emphasis added). VP has complied with this order, which included on April 6, 2017, after giving notice to its water users that compliance with the Court

order would cause discontinuance of water service to them, it discontinued making any use of the water infrastructure on the lots acquired by Valiant in the foreclosure sale.

In reaction to VP's compliance with the Court order, Valiant sought and received a temporary restraining order (TRO) from this Court requiring it to continue usage of the water infrastructure on the lots acquired by Valiant, and to supply Valiant's lots with water even though there is no water supply agreement between the parties upon which to predicate such an order.

ARGUMENT

The Court should dissolve the TRO and deny any request from Valiant for a preliminary injunction for the following reasons: 1) Valiant is not entitled to a TRO or preliminary injunction, 2) Valiant is judicially estopped from obtaining this injunctive relief, 3) both Valiant's motion and the Court's TRO fail to comply with Rule 65, 4) the Court does not have authority to issue a TRO or preliminary injunction on appeal, and 5) the relief requested by VP is more appropriate.

1. Valiant is Not Entitled to a TRO or a Preliminary Injunction

The Court must dissolve the TRO and cannot issue a preliminary injunction in this case because this case has been fully adjudicated and Valiant has not proven a clear right to the relief it is requesting.

A preliminary injunction is defined as "a temporary injunction issued **before or during trial** to prevent an irreparable injury from occurring **before the court has a chance to decide the case.**" *Black's Law Dictionary* 855 (Bryan A. Gardner ed., 9th ed., West 2009) (emphasis added). By definition, a preliminary injunction necessarily precedes a final determination of a

case or action. Indeed, the Idaho Rules of Civil Procedure contemplate that a preliminary injunction can only issue before the final determination of a case or action:

Before or after beginning the hearing on a motion for a preliminary injunction, the court may advance **the trial on the merits** and consolidate it with the hearing. Even when consolidation is not ordered, evidence that is received on the motion and that would be admissible at trial becomes part of the trial record and need not be repeated at trial. But the court must preserve any party's right to a jury trial.

IRCP 65(a)(2) (emphasis added). Therefore, a preliminary injunction cannot issue in an action that has already had a final judgment.

The decision to grant or deny a motion for preliminary injunction is discretionary. *Brady v. City of Homedale*, 130 Idaho 569, 572, 944 P.2d 704, 707 (1997). However, "a preliminary mandatory injunction is granted only in **extreme cases where the right is very clear and it appears that irreparable injury will flow from its refusal.**" *Evans v. Dist. Court of Fifth Judicial Dist.*, 47 Idaho 267, 275 P. 99, 100 (1929)(emphasis added).

The Idaho Rules of Civil Procedure set forth the grounds for issuance of a preliminary injunction as follows:

- (1) when it appears **by the complaint** that the plaintiff is entitled to the relief demanded, and that relief, or any part of it, consists of restraining the commission or continuance of the acts complained of, either for a limited period or perpetually;
- (2) when it appears **by the complaint** or affidavit that the commission or continuance **of some act during the litigation would produce waste, or great or irreparable injury to the plaintiff;**
- (3) when it appears **during the litigation that the defendant is doing, threatening, procuring or allowing to be done, or is about to do, some act in violation of the plaintiff's rights,** respecting the subject of the action, and the action may make the requested judgment ineffectual;

IRCP 65(e) (emphasis added). These grounds emphasize the requirement of a pending unadjudicated case for issuance of a preliminary injunction.

Interpreting Rule 65(e), the Idaho Supreme Court has repeatedly emphasized the first two subsections of Rule 65(e) and held "a preliminary mandatory injunction is granted only in **extreme**

cases where the right is very clear and it appears that irreparable injury will flow from its refusal.” *Evans v. Dist. Court of Fifth Judicial Dist.*, 47 Idaho 267, 275 P. 99, 100 (1929)(emphasis added). Ultimately, “[t]he requirements for the issuance of a permanent injunction are “the likelihood of substantial and immediate irreparable injury and the inadequacy of remedies at law.”” *Easyriders Freedom F.I.G.H.T. v. Hannigan*, 92 F.3d 1486, 1495 (9th Cir.1996) (quoting *American-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1066-67 (9th Cir.1995)). Thus, to prevail on a motion for preliminary injunction, the moving party must prove both 1) a substantial likelihood of success, and 2) it appears irreparable or great injury will flow from its refusal.

The party seeking the injunction has a burden of proving a right thereto. *Harris v. Cassia County*, 106 Idaho 513, 681 P.2d 988 (1984). It is the moving party’s burden to demonstrate: (1) a clear and protectable right, (2) the moving party will suffer irreparable harm if the injunction were not issued, (3) no adequate remedy at law, and (4) **a likelihood of success on the merits**. See 43A C.J.S *Injunctions* § 29 (2011).

A temporary restraining order is simply a temporary restraint provided until the propriety of a preliminary injunction is decided. *Scholtz v. Am. Sur. Co. of N.Y.*, 35 Idaho 207, 206 P. 187, 188 (1922); *Rowland v. Kellogg Power & Water Co.*, 40 Idaho 216, 233 P. 869, 873 (1925). Therefore, a temporary restraining order should only be entered before determination of entitlement to a preliminary injunction, and necessarily before a final judgment in the case.

a. **Valiant is Not Entitled to a TRO or Preliminary Injunction because this Matter Has Been Fully Adjudicated**

Valiant is not entitled to a TRO or preliminary injunction because this case has a final judgment and decree of foreclosure establishing the rights of the parties with respect to the use and possession of the foreclosed property. The Court has even further clarified those rights with

respect to the use and possession of the foreclosed property in its latest Memorandum Decision and Order granting Valiant's motion for enforcement of judgment. Thus, there is no preliminary determination for the Court to make.

Valiant filed a third party complaint for judicial foreclosure in this action. That complaint did not request any injunctive relief. There has been a final judgment and decree of foreclosure entered in this case. Indeed, the final judgment and decree were the basis for Valiant's motion to enforce judgment, wherein it moved the Court to eject VP from the foreclosed property.

Valiant's motion for a temporary restraining order requiring VP to supply water to its foreclosed lots completely contradicts its prior motion to enforce judgment and the order the Court issued as a result. On February 6, 2017, Valiant filed a motion to enforce judgment asking the Court to evict/eject VP from all 154 parcels it purchased at Sheriff's sale and award Valiant up to \$10,000.00 per day in unpaid rent/damages for what it deemed as VP's unlawful holdover on the property:

This Court should enter a writ of ejectment ordering that VP be immediately ejected from the Parcels and **prohibiting it from further utilizing Valiant's sewer/water systems and associated infrastructure.**

...

Valiant as the fee owner of the Parcels and pursuant to its Notice of Eviction, further advised VP that the daily rental rates would increase to \$10,000.00 *per diem* unless VP vacated the premises on or before February 3, 2017. VP did not object to the increased rental amount or deliver possession of the Parcels to Valiant by the eviction deadline. As such, the Court should enter judgment in favor of Valiant in the amount of unpaid rent through February 3, 2017 totaling **\$78,215.92, plus \$10,000.00 per diem thereafter until VP vacates and delivers possession of the Parcels to Valiant.**

Memo. in Support of Motion to Enforce Judgment, pp. 6-7 (February 6, 2017) (emphasis added).

In its reply memorandum Valiant further clarified its position that "VP's continued occupation and use of [Parcels 1 and 2] **and infrastructure on or under the Other 152 Parcels**

without Valiant's permission constitutes a trespass for which Valiant is entitled to recover damages." Memo. in Reply, 4 (February 22, 2017) (emphasis added). Valiant also clarified its position on the damages to which it believes it is entitled to include "an award of damages for unpaid rent from November 8, 2016 until VP relinquishes possession." *Id.*

On March 6, 2017, this Court granted Valiant's motion to enforce almost entirely, with the limited exception that the Court did not assess a certain damage amount against VP for its use and possession of Parcels 1 and 2. This Court held that "by the express terms of the Decree, VP's alleged interests in and to any and all sanitary sewer and water systems and infrastructure **located on, under or appurtenant to the 154 parcels** purchased by Valiant at the Sheriff's Sale have terminated." Memorandum Decision and Order, 14 (March 6, 2017) (emphasis added). This Court further held "the Court find [sic] that under the terms of the Decree, Valiant has the right to possession of the Idaho Club Property." *Id.* at 15. With respect to damages this Court held "Valiant is entitled to receive from VP 'a rental per day based upon the value of the Parcel and improvement, cash rental to be due daily to the purchaser'" and that rental amount is "due from the date of sale to the date Valiant enters into possession." *Id.* at 17. The Court also held that Valiant is entitled to recover "any and all hookup/tap fees and all other amounts VP has collected from the use, occupancy and operation of the sanitary sewer and water systems and associated infrastructure appurtenant to, located on or under, and existing in conjunction with all of the 154 parcels from the date of sale to the date that Valiant enters into possession." *Id.* at 17-18.

This Court then ordered the following:

1. Valiant is entitled to the immediate possession of all 154 parcels of the Idaho Club Property purchased by Valiant at the Sheriff's Sale. **VP is ordered to immediately vacate any and every part of all 154 parcels.** A

- writ of assistance shall be entered in accordance with this Memorandum Decision.
2. Valiant is awarded damages against VP for daily rent for Parcels 1 and 2 from the date of sale **until the date Valiant enters into possession of both parcels.**
 3. Valiant is awarded damages against VP for any and all hookup/tap fees **and all other amounts** VP has collected from the use, occupancy and operation of the sanitary sewer and **water systems and associated infrastructure appurtenant to, located on or under, and existing in conjunction with any of the 154 parcels** from the date of sale to the date that Valiant enters into possession.
 4. The Court reserves determination of the amount of damages until the conclusion of VP's appeal.

Id. at 18-19 (emphasis added).

This Court's March 6, 2017, order explicitly prohibits VP from accessing or using *any part* of the foreclosed property. This necessarily includes providing utility services and transmitting water through the pipes appurtenant to that property. This is the very same reason that VP has moved the Court for an order allowing use and possession to maintain the utility services and stay of the enforcement of the March 6, 2017, order pending appeal ("Motion for Stay").¹

VP's action in disconnecting water to the foreclosed properties (i.e. vacating those properties) is not an action that should be temporarily restrained by the Court because it is an action that was ordered by the Court. Indeed, the Court's current TRO orders VP to violate the March 6, 2017, order and creates liability for VP for its possession and use of the foreclosed properties, for which the Court has already held that Valiant is entitled to damages.

¹ That motion was filed on March 27, 2017. Valiant opposed VP's Motion for Stay on April 11, 2017. Valiant's opposition is based on its belief that its enforcement of the writ of assistance is the sole determining factor of whether VP is authorized to access and use any of the foreclosed property: "there is no risk that Valiant will seek to enforce the Writ of Assistance in a manner that causes any interruption in water or sewer services to *The Idaho Club* homeowners." Memo. in Opposition to Motion for Stay, 14 (April 11, 2017). This position completely ignores the fact that this Court has ordered VP to vacate all parts of the foreclosed property

Procedurally, Valiant is not entitled to a temporary restraining order, nor a preliminary injunction, because this case has a final judgment and decree of foreclosure and there are no remaining issues to be decided by this Court. The Court's March 6, 2017, order clarified that VP has no right to use or possess any part of the foreclosed properties and any use or possession before Valiant is provided possession will result in damages awarded to Valiant. Because there has been a final determination of the rights of the parties in this case, both the TRO and a subsequent preliminary injunction are improper.

b. Valiant is Not Entitled to a TRO or Preliminary Injunction because it has Not Established a Clear Right to the Relief it Requests

Even assuming for the sake of argument that a temporary restraining order and preliminary injunction may issue in an adjudicated case, Valiant is not entitled to a TRO or preliminary injunction because it does not have a clear right to the relief it seeks.

VP acknowledges that its inability to access and use the utility infrastructure within the foreclosed property may cause irreparable harm to individuals in and around the Idaho Club. In fact, that is the basis of its motion for order allowing use and application for stay of enforcement. However, VP fully contests that its ejectment creates any irreparable injury or harm to Valiant's economic interests in the foreclosed properties, especially because that is exactly the relief that Valiant requested.

The relief that Valiant seeks is that VP be ordered to provide Valiant's lots with water, without a service agreement or compensation, until Valiant can provide its own water. Valiant has set forth absolutely no right to this relief. In fact, the Court has already made an order to the contrary: "VP is ordered to immediately vacate any and every part of all 154 parcels." Memorandum Decision and Order, 18. Because the Court has already ordered that VP cannot use or possess any part of the foreclosed property, Valiant cannot establish a clear right to force

VP to provide utility service through and to those foreclosed lots. Therefore, Valiant is not entitled to a preliminary injunction.

2. Valiant Must be Judicially Estopped from Obtaining Injunctive Relief in its Favor

The Court should dissolve the TRO and deny any request from Valiant for injunctive relief because Valiant has intentionally taken inconsistent positions before the Court to gain advantage. Idaho has adopted the doctrine of judicial estoppel, which precludes a party from advantageously taking one position, then subsequently seeking a second position that is incompatible with the first. *McCallister v. Dixon*, 154 Idaho 891, 894, 303 P.3d 578, 581 (2013). The policy of judicial estoppel is to “protect the integrity of the judicial system, by protecting the orderly administration of justice and having regard for the dignity of the judicial proceeding.” *Id.* Judicial estoppel prevents “parties from playing fast and loose with the legal system.” *Id.*

The policy of judicial estoppel is to “protect the integrity of the judicial system, by protecting the orderly administration of justice and having regard for the dignity of the judicial proceeding.” *McCallister v. Dixon*, 154 Idaho at 894, 303 P.3d at 581. Judicial estoppel prevents “parties from playing fast and loose with the legal system.” *Id.* Accordingly, there is no need to show individual prejudice resulting from the inconsistent positions taken, since judicial estoppel “protects the integrity of the judicial system, not the litigants.” *Id.*

Valiant’s motion to enforce judgment took the position that it was entitled to have VP ejected from its property and an award of damages for unpaid rent and other benefits received by VP during its “holdover tenancy.” Now in support of its motion for TRO and preliminary injunction Valiant takes the position that VP should be ordered to provide water to the foreclosed properties to prevent harm to Valiant’s interests. In essence, the TRO when read in conjunction with the March 6, 2017, memorandum decision and order makes VP to be a captive tenant of

Valiant for the sole purpose of providing water to Valiant's properties against the will of VP, without a service agreement or payment to VP, all while exposing VP to liability for the damages associated with that use and possession of the property, which Valiant has unilaterally deemed to be \$10,000.00 per day.

Not only is the Court's current TRO contradictory to its March 6, 2017, order and forces VP to violate the Court's Decree of Foreclosure (as interpreted by the Court) and the Court's March 6, 2017, order, Valiant's position in obtaining that TRO is contradictory to its position that VP has no right to use or possess any part of the foreclosed parcels. Valiant benefitted from its original position by ejecting VP and obtaining an order entitling it to an undermined sum of damages. Now Valiant changes its position to try and get free water to its properties without a service agreement until such time that it can provide its own water; all while exposing VP to liability for damages for unpaid rent under the March 6, 2017, order. This change of position must be judicially estopped.

The current TRO forces VP to provide water to Valiant without any service agreement simply because Valiant purchased property with no other source of water, demanded that VP fully vacate all of those purchased parcels, then when VP did vacate and stop flowing water through those properties, Valiant now demands that VP continue to provide water until Valiant can provide its own. Valiant is not entitled to a TRO because any emergency created by the disconnection of water services to the foreclosed properties is of its own doing. Valiant is the party that moved the Court to evict VP from the foreclosed property and now that VP has vacated, Valiant asks the Court to order VP to return by providing water. Valiant's request is incoherent and must be judicially estopped by this Court.

3. Both Valiant's Motion for TRO and this Court's Order Fail to Comply with Rule 65

This Court's temporary restraining order should be dissolved because Valiant's motion failed to satisfy the requirements of Rule 65. The Court should also dissolve the temporary restraining order because it does not comply with Rule 65. Rule 65 of the Idaho Rules of Civil Procedure only allows the Court to issue a temporary restraining order (TRO) without written or oral notice to the adverse party or its attorney if "the movant or the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required." IRCP 65(b)(1)(B). Rule 65 also dictates mandatory contents of a TRO:

(2) *Contents; Expiration.* Every temporary restraining order issued without notice **must** state the date and hour it was issued; describe the injury and **state why it is irreparable; state why the order was issued without notice;** and be promptly filed in the clerk's office and entered in the record. **The order expires at the time after entry, not to exceed 14 days, that the court sets,** unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension must be entered in the record.

IRCP 65(b)(2) (emphasis added). The plain language of Rule 65(b)(2) makes it mandatory for a TRO to include these items as evidenced by the use of the word "must."

In this case both the motion for TRO and the TRO itself fail to comply with the requirements of Rule 65 and therefore, the TRO should be dissolved.

a. Valiant Failed to Certify Efforts to Give Notice

Although clearly required by Idaho Rule of Civil Procedure 65(b)(1)(B), Valiant and its attorney Richard Stacey did not include any written certification of "any efforts made to give notice and the reasons why it should not be required." Therefore, the motion itself was deficient and the resulting TRO should not have been issued without notice to VP. Thus, the TRO should be dissolved.

b. The TRO Lacks Mandatory Content

Similar to Valiant's failure to provide information required by Rule 65 in its motion, the order prepared by Valiant and entered by the Court lacks necessary content and should therefore be dissolved. This Court's TRO fails to state why the injury is irreparable. This Court's TRO fails to state why the TRO was issued without notice. Indeed, the TRO even completely fails to mention that the TRO was issued without notice. Another fatal deficiency of the TRO is that it fails to provide an expiration date of no more than 14 days after entry. Instead, the TRO states that the TRO remains in effect until the Court enters its decision on Valiant's Motion for Preliminary injunction. There is no certain date of expiration and the TRO's lack of expiration date is a clear violation of the rule. The TRO should be dissolved because it fails to include content absolutely required and prescribed by the Idaho Rules of Civil Procedure.

4. The Court Lacks Jurisdiction to Grant the Injunctive Relief Requested by Valiant

This Court lacks jurisdiction to grant a TRO or preliminary injunction because of the stay on appeal. While this action is stayed on appeal the Court's jurisdiction is limited to those powers enumerated in IAR 13(b). Those powers do not include the power to enter TROs or preliminary injunctions. Indeed, Valiant acknowledged the same in its opposition to VP's motion for stay pending appeal: "As a preliminary matter, Valiant was unable to find any Idaho caselaw that would entitle a defendant to obtain a preliminary injunction during the pendency of an appeal." Memo. in Opp. to VP's Motion for Stay, 9 (April 11, 2017). It is not surprising that there is no case law allowing a preliminary injunction in a case stayed by appeal considering the requirement that a preliminary injunction only issue in a case that has not been fully adjudicated. Considering Valiant's opposition to VP requesting what Valiant classifies as a "preliminary

injunction “while the case is on appeal,”² it is puzzling that Valiant has specifically moved the Court to issue a temporary restraining order and preliminary injunction.

Valiant framed its motion for TRO under IAR 13(a)(10) which allows this Court to “make any order regarding the use, preservation or possession of any property which is the subject of the action on appeal.” However, that limited exception does not excuse the fact that a temporary restraining order, nor a preliminary injunction, cannot be issued in a case that has been fully adjudicated. Valiant cites to *Alument v. Bear Lake Grazing Co.*, 119 Idaho 979, 982 (1991) for the proposition that the Court can enter restraining orders and temporary injunctions for the preservation of property on appeal. That case does not provide authority for a party to move for a TRO or subsequent preliminary injunction while an action is stayed on appeal. Indeed, Valiant admitted there is no Idaho case law that supports the proposition.

While Valiant contends its motion for TRO is a request that the Court “make any order regarding the use, preservation or possession of any property which is the subject of the action on appeal,” Valiant previously moved the Court under the same rule to eject VP from the same property and award Valiant damages for VP’s unlawful use and possession of the property.

Most importantly, IAR 13(b)(10) does not allow a court with limited jurisdiction pending stay on appeal to order a party to provide services to a party that is not entitled to those services. Valiant has no service contracts with VP that entitle it to water from VP. The Court cannot order VP to provide Valiant utility services. Rather than exceeding the limited authority retained pending the stay on appeal, the Court should simply grant VP’s application for stay of enforcement pending the appeal, which would allow VP to continue to provide utility services to

² In Valiant’s opposition to VP’s motion for order allowing use and application for stay is stated “In reality the Stay Motion is simply a veiled attempt to circumvent the stringent standards necessary to obtain a preliminary injunction.”

those within the Idaho Club that are entitled to those services, while protecting VP from the liability created by the current TRO.

5. The Court Should Instead Stay Enforcement of Its Order and Writ

Rather than violate the stay on appeal by entering a TRO and preliminary injunction that are improper, the Court should simply grant VP's motion for order allowing use of Parcels 1 and 2 and application for stay of enforcement pending appeal. It is ironic that Valiant has moved the Court for a TRO and preliminary injunction at the same time that Valiant argues that VP is not entitled to a stay of enforcement to allow it to provide the same services. The difference in approach between VP's request and Valiant's request is that VP's is authorized by the Idaho Appellate Rules and Idaho Rules of Civil Procedure and Valiant's is not. Both parties have identified the same fundamental concern: because the Court's decree legally precludes VP from using or occupying the foreclosed property, innocent parties who receive utility service from VP are harmed. The Court can prevent the emergency while also respecting the applicable appellate rules.

Idaho Appellate Rule 13(b)(10) allows the Court to "make any order regarding the use, preservation or possession of any property which is the subject of the action on appeal." Likewise, Idaho Appellate Rule 13(b)(14) allows also allows the Court to "stay execution or enforcement of any judgment, order or decree appealed from, other than a money judgment, upon the posting of such security and upon such conditions as the district court shall determine." On those bases, VP has requested that the Court enter an order staying the enforcement of its March 6, 2017, order and the writ of eviction to allow VP to access and use Parcels 1 and 2 to provide utility services to those who otherwise would be without if the order is enforced. VP's motion suggested that there would be no need to post a bond because there is no harm that would

result to Valiant if VP was allowed access and use for the sole purposes of providing and maintaining utility services. Valiant has not objected to that request or suggested that a bond in any amount should be required.


While the relief to the residents of the Idaho Club and surrounding areas is similar under VP's motion and Valiant's motion, only VP's request is supported by the law and complies with the stay on appeal. Therefore, the Court should dissolve the TRO and deny Valiant preliminary injunctive relief in this case.

CONCLUSION

For the reasons set forth above, VP respectfully requests the Court dissolve the temporary restraining order and deny Valiant's request for a preliminary injunction.

DATED this 14th day of April, 2017.

JAMES, VERNON & WEEKS, P.A.

By 
Daniel M. Keyes

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 14th day of April, 2017:


☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Facsimile: 208-263-8211

Gary A. Finney
FINNEY FINNEY & FINNEY, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Facsimile: 208-489-0110

Richard Stacey
Jeff Sykes
McConnell Wagner Sykes & Stacey, PLLC
827 E. Park Blvd., Ste. 201
Boise, ID 83712

Christine Elmore

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2017 APR 17 PM 1:52
CLERK DISTRICT COURT

DEPUTY

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY ^{PLLC}
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,
formerly known as
NATIONAL GOLF BUILDERS, INC.,
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC,
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**MOTION TO ENLARGE TIME TO
RESPOND TO VP, INCORPORATED'S
MOTION TO DISSOLVE TEMPORARY
RESTRAINING ORDER**

**Honorable Barbara A. Buchanan
Hearing:**

April 19, 2017 – 1:00 p.m. PDST

COMES NOW, Valiant Idaho, LLC ("Valiant"), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC, and, pursuant to Rule 7(b)(3) of the Idaho Rules of Civil Procedure, moves this Court for an order extending Valiant's time to respond to VP, Incorporated's ("VP") Motion to Dissolve Temporary Restraining Order ("Motion to Dissolve"). Specifically, Valiant is requesting that it have until 5:00 p.m. PDST on April 18, 2017 to file its response to the Motion to Dissolve.

Good cause exists to extend time because the Motion to Dissolve was filed on April 13, 2017, but the supporting memoranda was not filed until April 14, 2017 and was served on Valiant's counsel after its offices were closed on April 14, 2017. Additionally, a notice of hearing of the Motion to Dissolve was not provided until April 17, 2017.


Based upon the foregoing and the nature of this motion to enlarge time, Valiant is not requesting oral argument on this motion and further moves this Court, pursuant to Rule 7(b)(3)(H) of the Idaho Rules of Civil Procedure, for a waiver of the time limits for filing and service of motions and entry of an order granting this motion to enlarge time.

This motion is made and based upon the record and files herein and the Declaration of Chad M. Nicholson In Support of Motion to Enlarge Time to Respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order.

DATED this 17th day of April 2017.

McCONNELL WAGNER SYKES & STACEY^{PLLC}

BY:


Chad M. Nicholson
Attorneys For Valiant Idaho, LLC


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail garyfinney@finneylaw.net
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail sweeks@jvwlaw.net

With a copy via Electronic Mail to:

Honorable Barbara A. Buchanan
Judge of the First Judicial District
Bonner County Courthouse
215 South First Avenue
Sandpoint, Idaho 83864
bbuchanan@co.bonner.id.us
sezenwa@bonnercountyid.gov


Chad M. Nicholson

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 17 PM 1:52

CLERK DISTRICT COURT


DEPUTY

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY PLLC
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,
formerly known as
NATIONAL GOLF BUILDERS, INC.,
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC,
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**DECLARATION OF
CHAD M. NICHOLSON IN SUPPORT
OF VALIANT IDAHO, LLC'S
MOTION TO ENLARGE TIME TO
RESPOND TO VP, INCORPORATED'S
MOTION TO DISSOLVE TEMPORARY
RESTRAINING ORDER**

Honorable Barbara A. Buchanan

Hearing:

April 19, 2017 – 1:00 p.m. PDST

McConnell Wagner Sykes + Stace

Pursuant to Rule 11.1 of the Idaho Rules of Civil Procedure and Idaho Code § 9-1406,

Chad M. Nicholson declares as follows:

1. I am an attorney at law duly licensed to practice before this Court, and all Courts in the State of Idaho. I am an attorney of the law firm of McConnell Wagner Sykes & Stacey PLLC ("MWSS"), attorneys for Defendant/Counter-Claimant/Cross-Claimant/Third Party Plaintiff Valiant Idaho, LLC ("Valiant"). I make this Declaration in support of Valiant Idaho LLC's Motion to Enlarge Time to Respond to VP, Incorporated's ["VP"] Motion to Dissolve Temporary Restraining Order ["Motion to Dissolve"].


2. On Thursday, April 13, 2017, Valiant received the Motion to Dissolve. Neither a notice of hearing nor supporting memoranda was served with the Motion to Dissolve.

3. On Friday, April 14, 2017, Valiant received VP's Memorandum in Support of Motion to Dissolve Temporary Restraining Order ("Memorandum") *via* facsimile; however, the Memorandum was received after MWSS's office had closed and, therefore, MWSS was not aware of the Memorandum until Monday, April 17, 2017.

4. On Monday, April 17, 2017 at approximately 10:51 a.m. MDST, MWSS received the Notice of Hearing on VP, Inc.'s Motion to Dissolve Temporary Restraining Order which set the hearing for April 19, 2017 at 1:00 p.m. PDST.

I HEREBY CERTIFY AND DECLARE, under penalty of perjury pursuant to the laws of the State of Idaho, that the foregoing is true and correct.

DATED this 17th day of April 2017.


CHAD M. NICHOLSON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail garyfinney@finneylaw.net
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail sweeks@jvwlaw.net

With a copy via Electronic Mail to:

Honorable Barbara A. Buchanan
Judge of the First Judicial District
Bonner County Courthouse
215 South First Avenue
Sandpoint, Idaho 83864
bbuchanan@co.bonner.id.us
sezenwa@bonnercountyid.gov


Chad M. Nicholson

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY ^{PLLC}
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,
formerly known as
NATIONAL GOLF BUILDERS, INC.,
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC,
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**ORDER GRANTING MOTION TO
ENLARGE TIME TO RESPOND TO
VP, INCORPORATED'S MOTION TO
DISSOLVE TEMPORARY
RESTRAINING ORDER**

**Honorable Barbara A. Buchanan
Hearing:**

April 19, 2017 – 1:00 p.m. PDST

Valiant Idaho, LLC's ("Valiant") Motion to Enlarge Time to Respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order ("Motion to Enlarge") having come before this Court; and good cause appearing therefor;

IT IS HEREBY ORDERED that Valiant's Motion to Enlarge is *granted*, and Valiant shall have until 5:00 p.m. PDST on April 18, 2017 in which to respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order.

DATED this ____ day of April 2017.

Honorable Barbara A. Buchanan
Judge of the First Judicial District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

<p>Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i></p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail garyfinney@finneylaw.net</p>
<p>Richard L. Stacey, Esq. Jeff R. Sykes, Esq. Chad M. Nicholson, Esq. McConnell Wagner Sykes & Stacey PLLC 827 East Park Boulevard, Suite 201 Boise, Idaho 83712 Telephone: 208.489.0100 Facsimile: 208.489.0110 <i>Counsel For Valiant Idaho, LLC</i></p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail stacey@mwsslawyers.com sykes@mwsslawyers.com nicholson@mwsslawyers.com</p>
<p>Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i></p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail sweeks@jvwlaw.net</p>

 Clerk of the Court

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 17 PM 2:24

CLERK DISTRICT COURT

SR
DEPUTY

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY PLLC
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,
formerly known as
NATIONAL GOLF BUILDERS, INC.,
a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC,
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**ORDER GRANTING MOTION TO
ENLARGE TIME TO RESPOND TO
VP, INCORPORATED'S MOTION TO
DISSOLVE TEMPORARY
RESTRAINING ORDER**

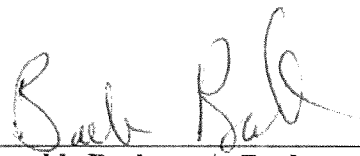
**Honorable Barbara A. Buchanan
Hearing:**

April 19, 2017 - 2:00 p.m. PDST

Valiant Idaho, LLC's ("Valiant") Motion to Enlarge Time to Respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order ("Motion to Enlarge") having come before this Court; and good cause appearing therefor;

IT IS HEREBY ORDERED that Valiant's Motion to Enlarge is *granted*, and Valiant shall have until 5:00 p.m. PDST on April 18, 2017 in which to respond to VP, Incorporated's Motion to Dissolve Temporary Restraining Order.

DATED this 17 day of April 2017.




Honorable Barbara A. Buchanan
Judge of the First Judicial District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Electronic Mail garyfinney@finneylaw.net
Richard L. Stacey, Esq. Jeff R. Sykes, Esq. Chad M. Nicholson, Esq. McConnell Wagner Sykes & Stacey PLLC 827 East Park Boulevard, Suite 201 Boise, Idaho 83712 Telephone: 208.489.0100 Facsimile: 208.489.0110 <i>Counsel For Valiant Idaho, LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Electronic Mail stacey@mwsslawyers.com sykes@mwsslawyers.com nicholson@mwsslawyers.com
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Electronic Mail sweeks@jvwlaw.net



Clerk of the Court

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 17 PM 4:47

CLERK DISTRICT COURT


DEPUTY

Susan P. Weeks, ISB No. 4255
Daniel M. Keyes, ISB No. 9492
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendants North Idaho Resorts, LLC and VP, Incorporated

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., formerly
known as NATIONAL GOLF BUILDERS,
INC., a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC, a Nevada limited
liability company; et al.,

Defendants.

Case No. CV-2009-1810

REPLY MEMORANDUM IN SUPPORT OF
MOTION FOR ORDER ALLOWING USE
AND ACCESS OF PARCELS 1 AND 2
AND APPLICATION FOR STAY OF
ENFORCEMENT OF ORDER GRANTING
VALIANT IDAHO, LLC'S MOTION TO
ENFORCE JUDGMENT

AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN

VP, Incorporated hereby submits this reply memorandum in support of its motion for
order allowing use and access of Parcels 1 and 2 and application for stay of enforcement of this

REPLY MEMORANDUM IN SUPPORT OF MOTION FOR ORDER ALLOWING USE AND ACCESS OF
PARCELS 1 AND 2 AND APPLICATION FOR STAY OF ENFORCEMENT OF ORDER GRANTING
VALIANT IDAHO, LLC'S MOTION TO ENFORCE JUDGMENT: 1

vfb

9745

Court's March 6, 2017, order granting Valiant Idaho, LLC's motion to enforce judgment, including the issuance of a writ of assistance.

INTRODUCTION

It is ironic that on April 11, 2017, Valiant submitted a memorandum in opposition to VP's Motion for Order Allowing Use and Access to Parcels 1 and 2, and Application for Stay ("VP's Stay Motion") stating that everything is fine and there is no need for the Court to stay enforcement pending appeal. Then on April 13, 2017, Valiant filed an emergency motion for temporary restraining order and preliminary injunction against VP alleging that if VP is not ordered to provide the Idaho Club water, Valiant and others will suffer irreparable harm. The only factor that changed between those filings was that VP stopped flowing water through the 154 lots purchased by VP on April 12, 2017, at approximately 11:00 am. The reason VP shut off the water was to comply with this Court's March 6, 2017, order that VP "immediately vacate any and every part of all 154 parcels." Declaration of Richard Villelli ¶ 11 (April 17, 2017).

VP's Motion for Stay outlined the harm that this Court's March 6, 2017, order would create, and Valiant's emergency motion for TRO simply confirmed that harm and need for the Court to stay enforcement of that order and the resulting writ of assistance for the pendency of the stay. While Valiant's memorandum in opposition to the VP Motion for Stay represented to the Court that "all is well" and there is no need to grant VP a stay of enforcement, Valiant's motion for TRO two days later is definitive proof that a stay is necessary to protect the properties served by VP's utilities in and around the Idaho Club.

ARGUMENT

1. No Party is Entitled to a Preliminary Injunction

Perhaps the most hypocritical argument contained within Valiant's memorandum in opposition is that VP is not entitled to a preliminary injunction. VP admits that it is not entitled to a preliminary injunction in this case. Indeed, VP did not move the Court for a preliminary injunction. Instead VP moved the Court pursuant to IAR 13(b)(10) and (b)(14) for an order allowing its continued use of Parcels 1 and 2 and stay of enforcement of the Court's March 6, 2017, order and writ of assistance. VP has never moved the Court for a Rule 65 preliminary injunction. Valiant opposed VP's Stay Motion characterizing it as a motion for preliminary injunction and argued that VP is not entitled to such relief.

Two days later on April 13, 2017, Valiant moved for an emergency TRO and preliminary injunction pursuant to Rule 65 ordering VP to provide water to the foreclosed properties. VP's memorandum in support of motion to dissolve TRO, filed April 21, 2017, sets forth the reasons that Valiant is not entitled to a TRO or preliminary injunction. That memorandum is incorporated herein. No party is entitled to a TRO or preliminary injunction in this case because this is a fully adjudicated case and the Court has already determined the rights of the parties. Moreover, the Court's current limited jurisdiction does not provide authority to issue a TRO or preliminary injunction. *See* IAR 13(b). Valiant's attempt to characterize VP's Motion for Stay as a motion for preliminary injunction is an effort to distract the Court from the proper standards governing VP's Motion for Stay.

2. Idaho Appellate Rules 13(b)(10) and 13(b)(14) Govern VP's Motion for Stay

Pursuant to Idaho Appellate Rule 13(b)(10) and 13(b)(14) VP moved the Court to enter an order allowing VP to continue to use and access Parcels 1 and 2 and/or stay enforcement of its

March 6, 2017, order and writ of assistance for the pendency of the appeal. Idaho Appellate Rule 13(b)(10) allows the Court to “make any order regarding the use, preservation or possession of any property which is the subject of the action on appeal.” IAR 13(b)(10). IAR 13(b)(14) allows the Court to “stay execution or enforcement of any judgment, order or decree appealed from, other than a money judgment, upon the posting of such security and upon such conditions as the district court shall determine.” IAR 13(b)(14). Neither of these rules is expressly limited to only protect a litigant and not third parties affected by the Court’s judgment. Indeed, the Court has discretion to enter such order and stay.

Rather than address the bases upon which VP’s Motion for Stay was predicated, Valiant attempts to allege that VP’s Motion for Stay should be denied because it does not comply with other appellate rules which are inapplicable to VP’s Motion for Stay. For instance, Valiant argues that VP’s Motion to Stay is deficient because under IAR 13(b)(15) VP failed to post a supersedeas bond of almost 30 million dollars. Valiant’s Opp. Memo., 6 (April 11, 2017). In fact, Valiant blatantly misstates the law when it declares “A defendant may **only** stay execution of a judgment pending appeal by complying with Rule 13(a)(14) **and** Rule 13(a)(15) of the Idaho Appellate Rules.” *Id.*¹ There is no support for Valiant’s argument that both subsections (14) and (15) are required for a stay. Reviewing each subsection it is clear that subsection (14) pertains to stay of nonmonetary judgments and subsection (15) independently pertains to monetary judgments. Valiant’s argument that VP is required to satisfy subsection (15) has no merit.

VP has not asked this Court to stay enforcement of a money judgment. In fact, Valiant has already executed and enforced its \$21,740,165.42 money judgment by selling the 154 parcels

¹ Valiant improperly cites to IAR 13(a) rather than 13(b) where these subsections are actually located.

and purchasing those parcels via credit bid at Sheriff's sale. Therefore, there is no further possible execution or enforcement of that money judgment available to Valiant, except for pursuing a deficiency judgment against POBD. Thus, there is no legal or factual basis for Valiant to expect that VP post a supersedeas bond pursuant to IAR 13(b)(15) in support of its Motion for Stay. In support of its erroneous position Valiant cites to *Eagle Rock Corp. v. Idamont Hotel Co.*, 60 Idaho 639, 650-651 (1939) for the proposition that the only way to stay enforcement of a foreclosure judgment is to post a bond to stay enforcement of the money judgment. However, that argument ignores the fact that VP is not requesting a stay of the enforcement of a money judgment, but is simply requesting a stay of the provision of the Decree and subsequent March 6, 2017, order and writ that require VP to vacate the foreclosed property. Valiant's citation to *Eagle Rock Corp.* is inapplicable here because the issue of that case was the requirement of staying the execution of the judgment of foreclosure as it pertained to the sale of the property to be foreclosed. VP is not trying to stay sale of the property, but is simply requesting for a stay of the Decree, order, and writ that require VP to "immediately vacate any and every part of all 154 parcels."

The only bond requirement for a motion pursuant to IAR 13(b)(14) is that the movant post "such security and upon such conditions as the district court shall determine." VP's Motion for Stay suggested that there is no requirement that the Court require a bond:

VP submits that there is no reason in this instance to require that VP post any security in order to continue to provide water and sewer services which benefit Valiant. VP's continued operation will not harm Valiant, nor potentially unjustly enrich VP. For instance, the Court has ordered that VP is liable to Valiant for all hookup/tap fees collected on Valiant's 154 parcels from the time that Valiant purchased those parcels. However, VP has collected no fees collected from these parcels. Villelli Decl. ¶ 13. VP also has not collected any water or services fees from Valiant for providing water and sewer services since the foreclosure. VP's

continued operation of the sewer and water systems only benefits the real property foreclosed by Valiant, thus there is no collected fees to secure by a bond.

Memo. in Support of VP's Motion for Stay, 4-5 (March 7, 2017). Valiant's opposition memorandum does not even address VP's suggestion that the Court not set a bond amount because there is no potential harm to Valiant in allowing VP to continue to provide utility services to Valiant's properties. Indeed, Valiant confirmed that VP's continued operation of its water system increases the value of its property and the value of those properties decreases without VP's water services. Valiant Memo. in Support of Motion for TRO, 6 (April 13, 2017).

Another erroneous argument presented by Valiant is that harm to third parties cannot form the basis of an order from this Court allowing VP to continue to access Parcels 1 and 2 and/or staying enforcement of the Decree, order, and writ. Valiant's Memo. in Opp., 8. Valiant provides the Court with no authority for that proposition. Indeed, Appellate Rules 13(b)(10) and 13(b)(14) do not limit the circumstances upon which the Court can enter and order or stay as suggested by Valiant. This Court has discretion to provide the relief requested by VP and VP has set forth good cause for the Court to enter an order allowing VP to continue accessing Parcels 1 and 2 to provide utility services.

3. The Harm of the Court's Order Requiring VP Vacate the 154 Parcels is Now Obvious

The Declaration of Richard Villelli in support of the Motion for Stay set forth the harm that would be caused by this Court's March 6, 2017, order that VP vacate any and all parts of the 154 lots purchased by Valiant. Valiant's memorandum in opposition stated that those harms were not real and that as of April 11, 2017, no harm was realized from the Court's order. However, that is because VP has not yet disconnected water to comply with the Court's order. Declaration of Richard Villelli ¶ 11 (April 17, 2017). Valiant has officially opposed VP's

Motion for Stay representing that everything is fine, or even better than when VP was operating the utilities. Those representations contain many false representations and false inferences that Valiant expects the Court to make. For instance, Valiant represents that it told DEQ that it now operates the sewer system and DEQ "has no objections or concerns to Valiant's operation." Memo. in Opp., 5. That is a misrepresentation. The Court should note that Valiant did not provide any material from DEQ authorizing Valiant or its operators to operate the sewer system because none exist. The only sewer permit for that system is currently still in the name of Pend Oreille Bonner Development, LLC. Villelli Decl. ¶ 12, Ex. A. That permit has not been transferred to Valiant, nor has Valiant obtained its own permit. Valiant represents that it is operating the sewer system, but the only valid permit lists VP as an operator and responsible official. Villelli Decl. ¶ 12, Ex. A. Valiant also represents to the Court that VP never did anything to have the permit renewed. Memo. in Opp., 5. This is a blatant lie, especially considering the exhibit to the Haberman Declaration that is cited for this proposition says the complete opposite: "A Technical Report and Application for resue permit renewal was submitted to DEQ on October 23, 2014." Haberman Decl. ¶ 9, Ex. 2, p. 1. Indeed, VP did apply to have the permit renewed and modified, but DEQ has failed to act on that application. Villelli Decl. ¶ 13, Ex. B. The Court should wonder why Valiant makes these misrepresentations if there truly is no merit to VP's Motion for Stay.

Valiant's attitude quickly changed by April 13, 2017, when it moved for a TRO because when VP shut off its water to comply with the March 6, 2017, order there was great harm to those that rely on that service:

Valiant and the Valiant Lots are being immediately and irreparably injured by virtue of VP turning-off the water system. There is no longer any water to provide fire protection services for these properties. The golf facilities, public restrooms,

and security and maintenance buildings no longer have domestic water or sewer... There is a significant risk that raw sewage could back up into the structures constructed on the Valiant Lots or that the sewer lagoon Valiant now owns could overflow and contaminate Lake Pend Oreille.

...

VP has cut-off water services to the Valiant Lots and numerous other property owners within *The Idaho Club*.

Memorandum in Support of Motion for TRO, 6-7 (April 13, 2017). Valiant's head-in-the-sand opposition to the Motion for Stay has dramatically changed to an emergency call for injunction. It is abundantly clear that if VP cannot use and flow water through the foreclosed properties many will be harmed.

4. It is the Court's Decree, Order, and Writ that has Caused and Will Cause Harm, Not Valiant's Enforcement of the Writ

Valiant takes the position that the harm caused by VP shutting off its water is all VP's fault: "VP has unilaterally and needlessly shut-off the water services to the Valiant Lots and other properties within *The Idaho Club* knowing full well the devastating consequences that will likely result." Memo. in Support of Motion for TRO, 7. However, this view fails to recognize that VP has already moved the Court for an order allowing use and a stay without requesting oral argument or a hearing and the Court failed to respond to that motion in a timely manner.

Valiant also contends that Mr. Haberman's benevolence in waiting to enforce Valiant's writ of assistance to a time when Valiant can provide its own water services somehow negates this Court's March 6, 2017, order requiring that VP immediately vacate the 154 lots. This argument is without merit because VP must comply with this Court's order, especially because this Court has already awarded Valiant damages for any failure of VP to immediately vacate.

On March 6, 2017, this Court granted Valiant's motion to enforce almost entirely, with the limited exception that the Court did not assess a certain damage amount against VP for its

use and possession of Parcels 1 and 2. This Court held that “by the express terms of the Decree, VP’s alleged interests in and to any and all sanitary sewer and water systems and infrastructure **located on, under or appurtenant to the 154 parcels** purchased by Valiant at the Sheriff’s Sale have terminated.” Memorandum Decision and Order, 14 (March 6, 2017) (emphasis added). This Court further held “the Court find [sic] that under the terms of the Decree, Valiant has the right to possession of the Idaho Club Property.” *Id.* at 15. With respect to damages this Court held “Valiant is entitled to receive from VP ‘a rental per day based upon the value of the Parcel and improvement, cash rental to be due daily to the purchaser’” and that rental amount is “due from the date of sale to the date Valiant enters into possession.” *Id.* at 17. The Court also held that Valiant is entitled to recover “any and all hookup/tap fees and all other amounts VP has collected from the use, occupancy and operation of the sanitary sewer and water systems and associated infrastructure appurtenant to, located on or under, and existing in conjunction with all of the 154 parcels from the date of sale to the date that Valiant enters into possession.” *Id.* at 17-18.

This Court then ordered the following:

1. Valiant is entitled to the immediate possession of all 154 parcels of the Idaho Club Property purchased by Valiant at the Sheriff’s Sale. **VP is ordered to immediately vacate any and every part of all 154 parcels.** A writ of assistance shall be entered in accordance with this Memorandum Decision.
2. Valiant is awarded damages against VP for daily rent for Parcels 1 and 2 from the date of sale **until the date Valiant enters into possession of both parcels.**
3. Valiant is awarded damages against VP for any and all hookup/tap fees **and all other amounts** VP has collected from the use, occupancy and operation of the sanitary sewer and **water systems and associated infrastructure appurtenant to, located on or under, and existing in conjunction with any of the 154 parcels** from the date of sale to the date that Valiant enters into possession.

4. The Court reserves determination of the amount of damages until the conclusion of VP's appeal.

Id. at 18-19 (emphasis added).

This Court's March 6, 2017, order explicitly prohibits VP from accessing or using *any part* of the foreclosed property. This necessarily includes providing utility services and transmitting water and sewer through the pipes appurtenant to that property. This is the very same reason that VP has moved the Court for an order allowing use and possession to maintain the utility services and stay of the enforcement of the March 6, 2017, order pending appeal ("Motion for Stay").

The reason that the water was shut off on April 12, 2017, was to comply with this Court's March 6, 2017, order. Villelli Decl. ¶ 11. This was the only way that VP could comply with the Court's order because of the current configuration of the water system and its infrastructure. Villelli Decl. ¶¶ 3-10. In fact, to completely comply with the Court's order VP has to cut off water to all served by its system to completely prevent the flow of sewer effluent onto the lagoon parcel owned by Valiant, or valve off the main transmission line to the lagoon, which lies on property not owned by Valiant. Villelli Decl. ¶¶ 9-10. VP has not yet taken that step, but must to fully comply with the March 7, 2017, order as written if the Court does not enter an order staying enforcement of its order.

Whether or not Valiant chooses to enforce its writ of assistance is irrelevant to VP's compliance with the May 6, 2017, order, which is simply the Court's interpretation of the Decree of Foreclosure. VP cannot simply choose to violate the Court's order and later be subject to

liability on the same order when Valiant commences an action against VP for damages, which it has made abundantly clear it plans on doing.²

5. Stay of Enforcement, Not a Preliminary Injunction is the Proper Remedy

The Court's March 6, 2017, order places VP in a position where the only way it can comply with that order is to disconnect homes from its water services. VP raised this concern to the Court in its Motion for Stay. Valiant dismissed that concern, until VP actually shut off its water and now the Court has granted Valiant a TRO. However, the proper remedy to prevent the harm resulting from VP's compliance with the March 6, 2017, order is not to preliminarily enjoin VP and require it to provide water. The proper remedy is to grant VP a stay of enforcement of that order and allow it to continue to use and access the parcels to provide utility services. The result may look similar to the Court, but the mechanism is what is important, especially when this Court's authority and jurisdiction is limited as a result of the stay on appeal.

VP set forth the various reasons that Valiant is not entitled to either a TRO or a preliminary injunction in this case in its Memorandum in Support of Motion to Dissolve TRO filed April 16, 2017, which is incorporated herein by reference and to unnecessarily avoid repeating the same arguments. In summary, those reasons are: 1) this case has a final adjudication of the parties rights and therefore, cannot have a preliminary injunction; 2) Valiant has failed to set forth a clear right to the relief it has requested (i.e. forcing VP to provide its lots with water without a service agreement and while violating the March 6, 2017, order); 3) both Valiant's motion for TRO and the order itself are deficient pursuant to IRCP 65; and 4) granting

² There is a pending motion of Valiant for clarification of the Court's March 6, 2017, order, wherein Valiant has requested that the Court authorize Valiant to commence a separate action to enforce that order against VP and collect damages for VP's use and possession of Parcels 1 and 2.

a TRO and preliminary injunction is not within the limited enumerated jurisdiction of this Court during the stay created on appeal.

Rather than violate the stay on appeal by entering a TRO and preliminary injunction that are improper, the Court should simply grant VP's motion for order allowing use of Parcels 1 and 2 and application for stay of enforcement pending appeal. It is ironic that Valiant has moved the Court for a TRO and preliminary injunction at the same time that Valiant argues that VP is not entitled to a stay of enforcement to allow it to provide the same services. The difference in approach between VP's request and Valiant's request is that VP's is authorized by the Idaho Appellate Rules and Idaho Rules of Civil Procedure and Valiant's is not. Both parties have identified the same fundamental concern: because the Court's decree legally precludes VP from using or occupying the foreclosed property, innocent parties who receive utility service from VP are harmed. The Court can prevent the emergency while also respecting the applicable appellate rules.

Idaho Appellate Rule 13(b)(10) allows the Court to "make any order regarding the use, preservation or possession of any property which is the subject of the action on appeal." Likewise, Idaho Appellate Rule 13(b)(14) allows also allows the Court to "stay execution or enforcement of any judgment, order or decree appealed from, other than a money judgment, upon the posting of such security and upon such conditions as the district court shall determine." On those bases, VP has requested that the Court enter an order staying the enforcement of its March 6, 2017, order and the writ of eviction to allow VP to access and use Parcels 1 and 2 to provide utility services to those who otherwise would be without if the order is enforced.

While the relief to the residents of the Idaho Club and surrounding areas is similar under VP's motion and Valiant's motion, only VP's request is supported by the law and complies with


the stay on appeal. Therefore, the Court should grant VP's Motion for Stay and enter an order staying enforcement of the March 6, 2017, order and allowing VP to access and used Parcels 1 and 2 to continue to provide utility services during the pendency of the appeal.

CONCLUSION

For the reasons set forth above, VP respectfully requests the Court grant VP's Motion for Entry of Order Allowing Use of Parcels 1 and 2 and Staying Enforcement for the pendency of the appeal.

DATED this 17th day of April, 2017.

JAMES, VERNON & WEEKS, P.A.

By 
Daniel M. Keyes

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 17th day of April, 2017:

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☒ Facsimile: 208-263-8211

Gary A. Finney
FINNEY FINNEY & FINNEY, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☒ Facsimile: 208-489-0110

Richard Stacey
Jeff Sykes
McConnell Wagner Sykes & Stacey, PLLC
827 E. Park Blvd., Ste. 201
Boise, ID 83712



Susan P. Weeks, ISB No. 4255
 Daniel M. Keyes, ISB No. 9492
 JAMES, VERNON & WEEKS, PA
 1626 Lincoln Way
 Coeur d'Alene, Idaho 83814
 Telephone: (208) 667-0683
 Facsimile: (208) 664-1684
sweeks@jvwlaw.net

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DISTRICT
 2017 APR 18 AM 9:03
 CLERK DISTRICT COURT
 DEBET

Attorneys for Defendants North Idaho Resorts, LLC and VP, Incorporated

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., formerly
 known as NATIONAL GOLF BUILDERS,
 INC., a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
 DEVELOPMENT, LLC, a Nevada limited
 liability company; et al.,

Defendants.

Case No. CV-2009-01810

DECLARATION OF RICHARD VILLELLI
 IN SUPPORT OF REPLY MEMORANDUM
 IN SUPPORT OF MOTION FOR ORDER
 ALLOWING USE AND ACCESS OF
 PARCELS 1 AND 2 AND APPLICATION
 FOR STAY OF ENFORCEMENT OF
 ORDER GRANTING VALIANT IDAHO,
 LLC'S MOTION TO ENFORCE
 JUDGMENT

AND RELATED COUNTER, CROSS
 AND THIRD PARTY ACTIONS
 PREVIOUSLY FILED HEREIN

Pursuant to Rule 7(d) of the Idaho Rules of Civil Procedure and Idaho Code § 9-1406,
 Richard Villelli declares as follows:

1. I am over the age of 18, and competent to testify to the matters set forth herein. I make this
 declaration of my own personal knowledge, and have personal knowledge of the facts herein
 contained.
2. I am the President of VP, Incorporated ("VP").

DECLARATION OF RICHARD VILLELLI IN SUPPORT OF REPLY MEMORANDUM IN SUPPORT OF
 MOTION FOR ORDER ALLOWING USE AND ACCESS OF LOTS 1 AND 2 AND APPLICATION FOR STAY
 OF ENFORCEMENT OF ORDER GRANTING VALIANT IDAHO, LLC'S MOTION TO ENFORCE
 JUDGMENT: 1

3. VP is the current operator of a Public Water System (PWS #ID1090195) that supplies potable water to the Idaho Club. There is currently no other source of domestic water in this area.
4. This water system services approximately 82 homes, all outside of the area foreclosed in this litigation (the 154 parcels). This domestic water is also the sole source of fire protection for these homes.
5. None of VP's domestic water currently services the foreclosed property because none of that property is developed for domestic water use.
6. The delivery of some of VP's domestic water (to approximately 32 homes outside of the foreclosed property) is transported through the foreclosed property (underground pipes, pumping stations, and one reservoir).
7. As the water system is currently configured, the only way to prevent water from entering property now owned by Valiant (154 lots) is to shut off water to approximately 32 homes, all of which homes are outside of the foreclosed property. VP's water system as configured cannot provide water to these 32 homes without sending water through pipes and infrastructure located on or under the foreclosed property (154 lots).
8. Additionally, even when disconnecting these 32 homes from water, sewer effluent from the remaining homes (approximately 50 homes) continues to flow to the Lagoon on Parcel 1 now owned by Valiant.
9. The only way to completely stop effluent from entering the lagoon would be to completely shut off water for the whole water system, or to valve off the main transmission line, which lies on property not currently owned by Valiant and not foreclosed upon.
10. The sewer and water system are connected. The effluent generated and deposited into the sewer system is a result of the water system. If VP completely disconnects the water system, then the

sewer system will also cease to function as it relies on the water system to transport and move effluent. However, if only a portion of the water system is disconnected, then effluent will still flow to the lagoon from those parts of the water system that are still functioning.

11. On April 12, 2017, at approximately 11:00 am the portion of the water system that flows through the foreclosed property (154 parcels) was disconnected to comply with this Court's March 6, 2017, order that VP "immediately vacate any and every part of all 154 parcels."

12. VP is the current operator of wastewater treatment and land application systems according to the Municipal Wastewater Reuse Permit (LA-000123-02) currently held by Pend Oreille Bonner Development, LLC. This permit has not yet been transferred and is still in the name of Pend Oreille Bonner Development, LLC with VP listed as the operator and responsible official. A true and correct copy of which is hereto as Exhibit A. This permit is a business record of VP, of which I am a custodian.

13. VP filed a permit renewal application with Idaho DEQ on October 23, 2014. Attached hereto as Exhibit B is a true and correct copy of a letter from Idaho DEQ dated January 6, 2015, acknowledging receipt of the permit renewal application. This letter is a business record of VP, of which I am a custodian.

I HEREBY CERTIFY AND DECLARE, under penalty of perjury pursuant to the laws of the State of Idaho, that the foregoing is true and correct.

DATED this 17th day of April, 2017.


Richard Vilelli

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 17th day of April, 2017:

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Facsimile: 208-263-8211

Gary A. Finney
FINNEY FINNEY & FINNEY, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Facsimile: 208-489-0110

Richard Stacey
Jeff Sykes
McConnell Wagner Sykes & Stacey, PLLC
827 E. Park Blvd., Ste. 201
Boise, ID 83712

Christine Elmore

A. Permit Certificate**MUNICIPAL
WASTEWATER REUSE PERMIT
LA-000123-02
The Idaho Club**

Pend. Oreille Bonner Development LLC, 151 Clubhouse Lane, Sandpoint, ID 83864 at The Idaho Club LOCATED IN Township 58 North Range 1 West Section 36, B.M. IS HEREBY AUTHORIZED TO CONSTRUCT, INSTALL, AND OPERATE A WASTEWATER REUSE SYSTEM IN ACCORDANCE WITH THE RULES FOR THE RECLAMATION AND REUSE OF MUNICIPAL AND INDUSTRIAL WASTEWATER (IDAPA 58.01.17), THE WASTEWATER RULES (IDAPA 58.01.16), THE GROUND WATER QUALITY RULE (IDAPA 58.01.11), AND ACCOMPANYING PERMIT, APPENDICES, AND REFERENCED DOCUMENTS. THIS PERMIT IS EFFECTIVE FROM THE DATE OF SIGNATURE AND EXPIRES IN FIVE YEARS FROM THE DATE OF SIGNATURE BELOW.


Daniel C. Redline
Coeur d'Alene Regional Administrator
Department of Environmental Quality

Date: July 28, 2010

DEPARTMENT OF ENVIRONMENTAL QUALITY
2110 Ironwood Parkway
Coeur d'Alene, ID 83814
(208) 769-1422

POSTING ON SITE RECOMMENDED

B. Permit Contents, Appendices and Attachments

	Page
A. Permit Certificate	1
B. Permit Contents, Appendices and Attachments	2
C. Abbreviations, Definitions	3-4
D. Facility Information	5
E. Compliance Schedule for Required Activities	6-7
F. Permit Limits and Conditions	8-9
G. Monitoring Requirements	10-11
H. Standard Reporting Requirements	12
I. Standard Permit Conditions: Procedures and Reporting	13-14
J. Standard Permit Conditions: Modifications, Violation, and Revocation	15

Appendix

Environmental Monitoring Serial Numbers and Site Maps	16-22
---	-------

References

1. Pilot Study Plan for Class B Wastewater Compliance (approved per CA-123-01.)
2. Record Drawings for the Phase 1 Wastewater Collection and for the Wastewater Treatment Systems (approved per CA-123-02.)
3. Plan of Operation and Operation and Maintenance Manual (approved per CA-123-03.)
4. Pilot Study Summary Report (approved per CA-123-04.)
5. Technical Report and Preliminary Plan of Operation for Wastewater Reuse Permit No. LA-000123-02 Renewal and Modification, December 11, 2006, Toothman-Orion Engineering Co.
6. Annual Report, Idaho Club Emergency 2009 Wastewater Application to the Golf Course, January 22, 2010, Water Systems Management Inc.
7. Temporary Class C Irrigation Site letter proposal dated May 17, 2010, T.O. Engineers.

The Sections, Appendices, and Reference Documents listed on this page are all elements of Wastewater Reuse Permit LA-000123-02 and are enforceable as such. This permit does not relieve Bend Orella Bonnet Development LLC, hereafter referred to as the permittee, from responsibility for compliance with other applicable federal, state or local laws, rules, standards or ordinances.

C. Abbreviations, Definitions

Ac-in	Acres-Inch - The volume of water or wastewater to cover 1 acre of land to a depth of 1 inch. Equal to 27,154 gallons.
BMP or BMPs	Best Management Practices
COD	Chemical Oxygen Demand
DEQ or the Department	Idaho Department of Environmental Quality
Director	Director of the Idaho Department of Environmental Quality, or the Director's Designee, i.e., Regional Administrator
ET	Evapotranspiration - Loss of water from the soil and vegetation by evaporation and by plant uptake (transpiration)
ERU	Equivalent Residential User. Typically 1 ERU is given to one dwelling unit or equal.
GS	Growing Season - Typically April 01 through October 31 (214 days)
GW	Ground Water
GWQR	IDAPA 58.01.11 "Ground Water Quality Rule"
Guidance	Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater, DEQ
HLRgs	Growing Season Hydraulic Loading Rate. Includes any combination of wastewater and supplemental irrigation water applied to reuse hydraulic management units during the growing season. The HLRgs limit is specified in Section F, Permit Limits and Conditions.
HLRns	Non-Growing Season Hydraulic Loading Rate. Includes any combination of wastewater and supplemental irrigation water applied to each hydraulic management unit during the non-growing season. The HLRns limit is specified in Section F, Permit Limits and Conditions.
HMU	Hydraulic Management Unit (Serial Number designation is MU)
IWR	Irrigation Water Requirement - Any combination of wastewater and supplemental irrigation water applied at rates commensurate to the moisture requirements of the crop, and calculated monthly during the growing season (GS). Calculation methodology for the IWR can be found at the following website: http://www.kimberly.idaho.edu/water/appendix/index.shtml . The equation used to calculate the IWR at this website is: $IWR = (CU - P_e) / E_i$ <p>CU is the monthly consumptive use for a given crop in a given climatic area. CU is synonymous with crop evapotranspiration.</p> <p>P_e is the effective precipitation. CU minus P_e is synonymous with the net irrigation requirement (IR).</p> <p>E_i is the irrigation system efficiency. To obtain the gross irrigation water requirement (IWR), divide the IR by the irrigation system efficiency.</p>
IDAPA	Idaho Administrative Procedures Act
LG	Lagoon
lb/ac-day	Pounds (of constituent) per acre per day
MG	Million Gallons (1 MG = 36,827 acre-inches)
MGA	Million Gallons Annually (per WLAP Reporting Year)
NTU	Nephelometric Turbidity Unit
NGS	Non-Growing Season - Typically November 01 through March 31 (151 days)
NVDS	Non-Volatile Dissolved Solids (= Total Dissolved Solids less Volatile Dissolved Solids)
O&M manual	Operation and Maintenance Manual, also referred to as the Plan of Operation

C. Abbreviations, Definitions

Reuse	The use of reclaimed wastewater for beneficial uses including, but not limited to, land treatment, irrigation, aquifer recharge, use in surface water features, toilet flushing in commercial buildings, dust control, and other uses.
Reuse Reporting Year	The reporting year begins with the non-growing season and extends through the growing season of the following year, typically November 01 - October 31. For example, the 2000 Reporting Year was November 01, 1999 through October 31, 2000.
SAR	Sodium Absorption Ratio
SI	Supplemental Irrigation water applied to the reuse treatment site.
Soil AWC	Soil Available Water Holding Capacity - the water storage capability of a soil to a depth at which plant roots will utilize (typically 60 inches or root limiting layer)
SNU	Soil Monitoring Unit (Serial Number designation is SN)
STEG	Septic Tank Effluent Gravity collection system
STEP	Septic Tank Effluent Pressure collection system
SW	Surface Water
TDS	Total Dissolved Solids or Total Filterable Residue
TDIS	Total Dissolved Inorganic Solids - The summation of chemical concentration results in mg/L for the following common ions: calcium, magnesium, potassium, sodium, chloride, sulfate, and 0.5 times alkalinity (alkalinity expressed as calcium carbonate). Nitrate, Silica and fluoride shall be included if present in significant quantities (i.e. ≥ 5 mg/L each).
TMDL	Total Maximum Daily Load - The sum of the individual waste load allocations (WLA's) for point sources, Load Allocations (LA's) for non-point sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. IDAPA 58.01.02 <i>Water Quality Standards and Wastewater Treatment Requirements</i>
Typical Crop Uptake	Typical Crop Uptake is defined as the median constituent crop uptake from the three (3) most recent years the crop has been grown. Typical Crop Uptake is determined for each hydraulic management unit. For new crops having less than three years of on-site crop uptake data, regional crop yield data and typical nutrient content values, or other values approved by DEQ may be used.
USGS	United States Geological Survey
WW	Wastewater applied to the reuse treatment site

D. Facility Information

Legal Name of Permittee	Pend Oreille Bonner Development LLC	
Type of Wastewater	Municipal meeting Class B or Class C Wastewater Reuse standards	
Method of Treatment	Primary treatment in individual septic tanks at each ERI (residence), STEG and STEP collection, aerated lagoon, coagulation and sand filtration, hypochlorination disinfection, contact time, storage, and golf course spray irrigation for Class B wastewater or non-golf course spray irrigation for Class C wastewater	
Type of Facility	The Idaho Club is a Private Golf Course Club owned and developed by Pend Oreille Bonner Development LLC with residential single-family homes presently serving 65 equivalent residential units (ERUs) and ultimately serving up to 600 ERUs.	
Facility Location	The site is located on 365 acres about 7 miles east of Sandpoint via Highway 200 in rural Bonner County. It is adjacent to the Pack River to the east and Moose Mountain and Lake Pend Oreille to the south.	
Legal Location	Section 36 T58N R1W Boise Meridian.	
County	Bonner County	
USGS Quad	Oden Bay	
Soils on Site	Capehorn silt loam, Colburn very fine sandy loam, Mission silt loam, Odonson silt loam, and Pend Oreille silt loam.	
Depth to Ground Water	10 feet to the first aquifer and 120 feet to the regional water supply aquifer. The lower aquifer is utilized as the drinking water supply for the development. The upper and lower aquifers are represented as separated by an aquitard consisting of 60 feet of fine-grained low permeability clay.	
Beneficial Uses of Ground Water	Domestic and Public Drinking water	
Nearest Surface Water	Pack River, immediately adjacent to the east side of the property. No permanent streams cross the site.	
Beneficial Uses of Surface Water	Cold Salmonid Spawning, Primary Contact Recreation, Domestic Water Supplies, and Special Resource Water per IDAPA 58.01.02	
Responsible Official	Richard A. Villelli	Chuck Reeves
Mailing Address	MP Incorporated 513739 Highway 95 Bonners Ferry, ID 83805	Pend Oreille Bonner Development LLC 151 Clubhouse Lane Sandpoint, ID 84864
Phone	(208) 267-5622 villelli@coldreams.com	(208) 263-4062 creeves@theidahoclub.com
Facility Consultants/ Operator	Scott McNeer, P.E.	Robert Hansen
Mailing Address	T-O Engineering Co. W. 280 Prairie Avenue Coeur d'Alene, ID 83815	Water Systems Mgmt Inc. 67 Wildhorse Trail Sandpoint, ID 83864
Phone	(208) 762-3644 smcneer@to-engineers.com	(208) 263-4270 Wasmhob@aol.com

E. Compliance Schedule for Required Activities

The Activities in the following table shall be completed on or before the Completion Date unless modified by the Department in writing.

Compliance Activity Number Completion Date	Compliance Activity Description
CA-012301 If necessary Prior to April 1, 2011	<p>Pilot Study Plan: If DEQ indicates that the 2010 Annual Report failed to demonstrate compliance during the 2010 irrigation season with the interim Class B wastewater standards, a pilot study is required during 2011 and thereafter until Class B compliance is achieved.</p> <p>Within 60 days of receipt of this Class B failure notice, the permittee shall submit to DEQ and secure approval of a Pilot Study Plan for a Class B wastewater reuse treatment system. The plan shall identify sampling, monitoring, and recording requirements necessary to document compliance of the wastewater treatment system with Class B water quality standards as well as discuss modifications, replacements, and/or operational changes to the existing treatment processes that are deemed necessary for meeting Class B standards. All applications to the land during this pilot study period shall utilize the Class C application areas unless DEQ approves otherwise.</p>
CA-012302 Prior to 60 days after permit issuance	<p>Record Drawings: Submittal of record drawings verified by the engineer for all drinking water and wastewater systems improvements completed to date. Identification of when water and sewer improvements previously approved for construction will be completed and when the related record drawings will be submitted to the Department.</p> <p>Plan of Operation: Submittal of an outline or draft Plan of Operation and the draft Operation and Maintenance (O&M) Manual for the wastewater treatment and reuse facilities shall be submitted by the design engineer. DEQ shall comment on the draft documents.</p>
CA-012303 Prior to 120 days after permit issuance	<p>Flow Monitoring: Completion of the power and control systems for the two flow meters installed on the lagoon influent mains with notification by the engineer in writing to DEQ that both flow meters are operational and being monitored and recorded by the system operators.</p>
CA-012304 Prior to 180 days after permit issuance	<p>Plan of Operation and O&M Manual: A copy of the final Plan of Operation and the final Operation and Maintenance (O&M) Manual for the wastewater treatment and reuse facilities shall be submitted by the design engineer. The final documents shall reflect resolution of DEQ comments on the draft versions of each document.</p> <p>Upon approval, the Plan of Operation and O&M Manual shall be incorporated by reference into this permit and shall be enforceable as a part of this permit.</p>

E. Compliance Schedule for Required Activities

Compliance Activity Number Completion Date	Compliance Activity Description
CA-012305 Prior to January 31, 2012	Pilot Test Report: If CA-012301 is implemented, submittal of pilot testing data compiled in 2011 and an evaluation report by the engineer regarding compliance to date with Class B standards. This report can be included in the 2011 Annual Report.

F. Permit Limits and Conditions

- 1) The Permittee is allowed to apply waste water and treat it on a reuse site as prescribed in the tables below and in accordance with all other applicable permit conditions and schedules.

Category	Permitted Limits and Conditions																								
Type of Wastewater	Class B or C Municipal Wastewater																								
Application Site Area	Class B: About 81 acres of golf course at The Idaho Club Class C: About 7.75 acres of non-golf course area as identified on map in appendix																								
Application Season	May 1 st to October 31 st																								
Growing Season (GS)	May 1 st to October 31st																								
Non-Growing Season (NGS)	Not allowed																								
Certified Operator(s)	The facility shall meet the requirements of IDAPA 58.01.16.203 and 204. The Responsible Charge Operator and Substitute Responsible Charge Operator shall be identified in each Annual Report. DEQ has determined the Idaho Club wastewater system needs operators with Class I collection, Class II treatment, and Wastewater Land Application licenses.																								
Reporting Year for Annual Loading Rates	May 1 st to October 31st																								
Maximum Hydraulic Loading Rate, Growing Season (includes wastewater and supplemental irrigation water, if used)	<p>Hydraulic Loading Rate for either Class B or Class C application areas shall be no greater than the monthly irrigation requirements as follows:</p> <table><tr><th>Month</th><th>Irrigation Rates</th><th>Ave. Effective Precipitation</th></tr><tr><td>May</td><td>2.9 in.</td><td>1.7 in.</td></tr><tr><td>June</td><td>3.6 in.</td><td>1.7 in.</td></tr><tr><td>July</td><td>4.6 in.</td><td>1.0 in.</td></tr><tr><td>August</td><td>3.5 in.</td><td>1.2 in.</td></tr><tr><td>September</td><td>2.6 in.</td><td>1.1 in.</td></tr><tr><td>October</td><td>1.1 in.</td><td>1.0 in.</td></tr><tr><td>Total</td><td>18.3 in.</td><td></td></tr></table> <p>Irrigation rates are based on average precipitation received for each month. Irrigation shall not take place during adverse weather conditions, during periods of public use of the golf course, or when the ground water at the irrigation management unit is within 36 inches of the ground surface.</p>	Month	Irrigation Rates	Ave. Effective Precipitation	May	2.9 in.	1.7 in.	June	3.6 in.	1.7 in.	July	4.6 in.	1.0 in.	August	3.5 in.	1.2 in.	September	2.6 in.	1.1 in.	October	1.1 in.	1.0 in.	Total	18.3 in.	
Month	Irrigation Rates	Ave. Effective Precipitation																							
May	2.9 in.	1.7 in.																							
June	3.6 in.	1.7 in.																							
July	4.6 in.	1.0 in.																							
August	3.5 in.	1.2 in.																							
September	2.6 in.	1.1 in.																							
October	1.1 in.	1.0 in.																							
Total	18.3 in.																								
Turbidity	<p>Class B: For 2010: The daily arithmetic mean of all measurements of turbidity shall not exceed five (5) NTU, and turbidity shall not exceed ten (10) NTU at any time in excess of five minutes. Turbidity shall be measured continuously when producing wastewater. The turbidity standard shall be met prior to disinfection.</p> <p>For 2011-2014: Class B wastewater shall comply with the turbidity standards in effect in IDAPA 58.01.17.</p> <p>Class C: Not applicable</p>																								
Chlorine residual	<p>Class B: Residual chlorine at the point of compliance shall be not less than one (1) mg/L free chlorine after a contact time of thirty (30) minutes at peak flow.</p> <p>Class C: Not applicable</p>																								

F. Permit Limits and Conditions

Category	Permitted Limits and Conditions
Disinfection	<p>Class B: The median number of total coliform organisms shall not exceed two and two-tenths (2.2) per one hundred (100) milliliters, and shall not exceed twenty-three (23) per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. Analysis shall be based on daily sampling during periods of application. The point of compliance shall be at any point in the system following final treatment and disinfection contact time.</p> <p>Class C: The median number of total coliform organisms shall not exceed two and two-tenths (2.2) per one hundred (100) milliliters, and shall not exceed twenty-three (23) per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. Analysis shall be based on daily sampling during periods of application. The point of compliance shall be at any point in the system following final treatment and disinfection contact time.</p>
Runoff	<ol style="list-style-type: none"> 1. No runoff of wastewater allowed. 2. Sprinkler irrigation: Operate and maintain structures and BMPs for supplemental irrigation water sediment control in accordance with county and state guidelines.
Ground Water Quality	Ground Water Quality shall be in compliance with <i>Idaho Ground Water Quality Rule IDAPA 58.01.11</i>
Grazing	No grazing allowed.
Allowable crops	<p>Crops grown for direct human consumption (those crops that are not processed prior to consumption) are not allowed. Class B wastewater supplemented by other irrigation water from the Snake River shall be applied by sprinkler irrigation to golf course turf grasses.</p> <p>Class C application areas shall be grass vegetated such that the plants are capable of maximum utilization of the applied wastewater. No supplemental irrigation water shall be applied to the Class C application areas.</p>
Fencing and Posting	<p>The 7.65 MG wastewater lagoon and Class B treatment facilities shall be fenced on all sides with a DEQ approved fencing system. Warning signs regarding the nature of the premises shall be posted every 150 feet of the fence. Irrigation Ponds A-C do not require fencing and signage as long as they receive Class B wastewater.</p> <p>Class C reuse areas shall be fenced with woven pasture wire and must be signed every 150 feet of the perimeter with warnings indicating application of treated wastewater.</p>

Buffer Zone Distances (based on sprinkler irrigation)	Class	Distance to Public Access	Distances to Inhabited Dwellings	Distance to streams	Distance to private water sources	Distance to public water sources	Single sample maximum total coliform level
	Class B	0 feet	25 feet	5 feet	500 ft.	100 ft.	23/100 ml
	Class C	0 feet	150 feet	5 feet	500 ft.	100 ft.	23/100 ml

G. Monitoring Requirements

- 1) Appropriate analytical methods, as given in the *Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater* or as approved by the Idaho Department of Environmental Quality (hereinafter referred to as DEQ), shall be employed. A description of approved sample collection methods, appropriate analytical methods and companion QA/QC protocol shall be included in the Operation and Maintenance Manual.
- 2) The permittee shall monitor and measure parameters and submit information as stated in the Facility Monitoring Table in this section.
- 3) Samples shall be collected at times and locations that represent typical environmental and process parameters being monitored.
- 4) Monitoring locations are described in Appendix 1, Environmental Monitoring Serial Numbers.
- 5) Monitoring is required at the frequency shown in the table below if wastewater is applied anytime during the time period shown. Unless otherwise agreed in writing by the DEQ, data collected and submitted shall include, but not be limited to, the parameters and frequencies in the Facility Monitoring Table as follows.
- 6) Ground Water Monitoring Procedure: Ground Water Monitoring Wells shall be purged a minimum of three casing volumes and/or until field measurements for pH, specific conductance and temperature meet the following conditions: two successive temperature values measured at least five minutes apart are within one degree Celsius of each other; pH values for two successive measurements measured at least five minutes apart are within 0.2 units of each other; and two successive specific conductance values measured at least five minutes apart are within 10% of each other. This procedure will determine when the wells are suitable for sampling for constituents required by the permit. Other procedures, such as low flow sampling, may be considered by DEQ for approval. The static water level shall be measured prior to pumping or sampling for ground water.
- 7) Annual reporting of monitoring requirements is described in Section II, Standard Reporting Requirements.
- 8) Surface water sampling guidance: DEQ to review and approve methods, timing and locations for sampling prior to initial sampling event.

Facility Monitoring Table

Frequency	Monitoring Point	Description and Type of Monitoring	Parameters
Weekly: May 1 st to October 31 st Monthly: Nov. 1 st to April 30 th	Discharge into 7.65 MG Lagoon (LG-012301)	Volume of Wastewater measured by flow meters on gravity and pressure sewer inter mains	Gallons
Daily (when discharging Class B or C wastewater) with monthly and annual totals	Discharge Point of Wastewater to Irrigation Ponds A-C	Volume of Wastewater measured by flow meters on effluent pumps	Gallons
Daily with monthly and annual totals	Supplemental Irrigation Water to Irrigation Ponds A-C (AWW-000123-4)	Volume of water measured by flow meters on river intake pumps	Gallons
Daily (when irrigating) with monthly and annual totals	Irrigation Pumps	Volume of water applied to each EMU	Gallons
Monthly with annual total	Each EMU	Calculation	Inches of applied irrigation water
May through October Rainfall Events with Monthly Totals	7.65 MG Lagoon (LG-012301)	Rain Gauge	Inches of precipitation

G. Monitoring Requirements

Frequency	Monitoring Point	Description and Type of Monitoring	Parameters
Once prior to start of irrigation and then weekly until depth to water exceeds 48 inches below ground surface.	48-inch deep Piezometer at each HMU (GW-012306 to GW-012308)	Depth from surface to ground water	Inches
Annual Water Balance	Multiple locations and data sources	Calculations from collected data	Similar to Appendix J of Reference 5
Continuous (when discharging Class B wastewater)	Prior to disinfection (WW-012303)	Turbidity on a continuous and automatically recorded basis	Nephelometric Turbidity Units (NTU)
Daily (when discharging Class B wastewater)	Prior to disinfection (WW-012303)	Calculation of Arithmetic Mean of Turbidity	Nephelometric Turbidity Units (NTU)
Daily (when discharging Class B or C wastewater)	After filtration, disinfection, and 20 minutes of contact time (WW-012303)	Grab Sample	Total Coliform Bacteria (organisms/100 ml)
Daily or Continuous (when discharging Class B wastewater)	After 30 minutes of contact time (WW-012303)	Grab sample or continuous monitoring	Free chlorine residual, mg/l
Annually	All flow or volume measurement locations (WW-012301 to 09)	Flow measurement and monitoring equipment calibrations	Document the flow measurement and monitoring equipment calibrations per manufacturer's instructions
April of 2011 and 2013	Monitoring Wells, GW-012301 to 03	Grab sample	Specific Conductivity, Total Dissolved Solids (TDS), Nitrite + Nitrate Nitrogen, and Chloride

H. Standard Reporting Requirements

1. The permittee shall submit an Annual Wastewater Reuse Site Performance Report ("Annual Report") prepared by a competent environmental professional no later than January 31 of each year which shall cover the previous year (see section F for reuse reporting period). The Annual Report shall include results for monitoring required in Section G, status of compliance activities, and an interpretive discussion of monitoring data (ground water, vadose zone, hydraulic loading, wastewater etc.) with particular respect to environmental impacts by the facility.
2. The annual report shall contain the results of the required monitoring as described in Section G, Monitoring Requirements. If the permittee monitors any parameter more frequently than required by this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the annual report.
3. The annual report shall be submitted to the Engineering Manager in the following Regional DEQ Office:

Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, ID 83814
208-769-1422
4. Notice of completion of any work described in Section E, Compliance Schedule for Required Activities shall be submitted to the Department within 30 days of activity completion. The status of all other work described in Section E shall be submitted with the Annual Report.
5. All laboratory reports containing the sample results for monitoring required by Section G, Monitoring Requirements of this permit shall be submitted with the Annual Report.

1. Standard Permit Conditions: Procedures and Reporting

- The permittee shall at all times properly maintain and operate all structures, systems, and equipment for treatment, operational controls and monitoring, which are installed or used by the permittee to comply with all conditions of the permit or the Wastewater Reuse Permit Regulations, in conformance with a DEQ approved, current Plan of Operations (Operations and Maintenance Manual) which describes in detail the operation, maintenance, and management of the wastewater treatment system. This Plan of Operations shall be updated as necessary to reflect current operations.
2. Wastewater(s) or recharge waters applied to the land surface must be restricted to the premises of the application site. Wastewater discharges to surface water that require a permit under the Clean Water Act must be authorized by the U.S. Environmental Protection Agency.
 3. Wastewater must not create a public health hazard or nuisance condition as stated in IDAPA 58.01.16.600.03. In order to prevent public health hazards and nuisance conditions the permittee shall:
 - a. Apply wastewater as evenly as practicable to the treatment area;
 - b. Prevent organic solids (contained in the wastewater) from accumulating on the ground surface to the point where the solids rot or support vectors or insects; and
 - c. Prevent wastewater from ponding in the fields to the point where the ponded wastewater putrefies or supports vectors or insects.
 4. The permittee shall:
 - a. Manage the wastewater reuse treatment site as an agronomic operation where vegetative cover is grown and harvested or grazed to utilize the nutrients and minerals in the wastewater; and
 - b. Not hydraulically overload any particular areas of the wastewater reuse treatment site.
 5. All waste solids, including dreggings and sludges, shall be utilized or disposed in a manner which will prevent their entry, or the entry of contaminated drainage or leachate therefrom, into the waters of the state such that health hazards and nuisance conditions are not created; and to prevent impacts on designated beneficial uses of the ground water and surface water. The permittee's management of waste solids shall be governed by the terms of the DEQ approved Waste Solids Management Plan, which upon approval shall be an enforceable portion of this permit.
 6. If the permittee intends to continue operation of the permitted facility after the expiration of an existing permit, the permittee shall apply for a new permit at least six months prior to the expiration date of the existing permit in accordance with the Wastewater Reuse Permit Regulations and include seepage tests on all lagoons per latest DEQ procedures.
 7. The permittee shall allow the Director of the Idaho Department of Environmental Quality or the Director's designee (hereinafter referred to as Director), consistent with Title 39, Chapter 1, Idaho Code, to:
 - a. Enter the permitted facility;
 - b. Inspect any records that must be kept under the conditions of the permit;
 - c. Inspect any facility, equipment, practice, or operation permitted or required by the permit;
 - d. Sample or monitor for the purpose of assuring permit compliance, any substance or any parameter at the facility.
 8. The permittee shall report to the Director under the circumstances and in the manner specified in this section:
 - a. In writing thirty (30) days before any planned physical alteration or addition to the permitted facility or activity if that alteration or addition would result in any significant change in information that was submitted during the permit application process;
 - b. In writing thirty (30) days before any anticipated change which would result in non-compliance with any permit condition or these regulations;
 - c. Orally within twenty-four (24) hours from the time the permittee became aware of any non-compliance which may endanger the public health or the environment at telephone numbers provided in the permit by the Director (see below).

DEQ Regional Office: see Permit Certification Page
Emergency 24 Hour Number 1-800-632-8000

1. Standard Permit Conditions: Procedures and Reporting

- d. In writing as soon as possible but within five (5) days of the date the permittee knows or should know of any non-compliance unless extended by the DEQ. This report shall contain:
 - i. A description of the non-compliance and its cause;
 - ii. The period of non-compliance including to the extent possible, times and dates and, if the non-compliance has not been corrected, the anticipated time it is expected to continue; and
 - iii. Steps taken or planned to reduce or eliminate recurrence of the non-compliance.
- e. In writing as soon as possible after the permittee becomes aware of relevant facts not submitted or incorrect information submitted in a permit application or any report to the Director. Those facts or the correct information shall be included as a part of this report.
9. The permittee shall take all necessary actions to prevent or eliminate any adverse impact on the public health or the environment resulting from permit noncompliance.
10. The permittee shall determine (on an on-going basis) if any noxious weed problems relate to the permitted sites. If problems are present coordinate with the Idaho Department of Agriculture or the local County authority regarding their requirements for noxious weed control. Also address these control operations in an update to the Operations and Maintenance Manual.

J. Standard Permit Conditions: Modifications, Violations, and Revocations

1. The permittee shall furnish to the Director within reasonable time, any information including copies of records, which may be requested by the Director to determine whether cause exists for modifying, revoking, re-issuing, or terminating the permit, or to determine compliance with the permit or these regulations.
2. Both minor and major modifications may be made to this permit as stated in IDAPA 58.01.17.700.01 and 02 with respect to any conditions stated in this permit upon review and approval of the DEQ.
3. Whenever a facility expansion, production increase or process modification is anticipated which will result in a change in the character of pollutants to be discharged or which will result in a new or increased discharge that will exceed the conditions of this permit, or if it is determined by the DEQ that the terms or conditions of the permit must be modified in order to adequately protect the public health or environment, a request for either major or minor modifications must be submitted together with the reports as described in 1. *Standard Reporting Requirements*, and plans and specifications for the proposed changes. No such facility expansion, production increase or process modification shall be made until plans have been reviewed and approved by the DEQ and a new permit or permit modification has been issued.
4. Permits shall be transferable to a new owner or operator provided that the permittee notifies the Director by requesting a minor modification of the permit before the date of transfer.
5. Any person violating any provision of the Waste Water Reuse Permit Regulations, or any permit or order issued thereunder shall be liable for a civil penalty not to exceed ten thousand dollars (\$10,000) or one thousand dollars (\$1,000) for each day of a continuing violation, whichever is greater. In addition, pursuant to Title 39, Chapter 1, Idaho Code, any willful or negligent violation may constitute a misdemeanor.
6. The Director may revoke a permit if the permittee violates any permit condition or the Wastewater Reuse Permit Regulations.
7. Except in cases of emergency, the Director shall issue a written notice of intent to revoke to the permittee prior to final revocation. Revocation shall become final within thirty-five (35) days of receipt of the notice by the permittee, unless within that time the permittee request an administrative hearing in writing to the Board of the Department of Environmental Quality pursuant to the Rules of Administrative Procedures contained in IDAPA 58.01.23.
8. If, pursuant to Idaho Code 367-5247, the Director finds the public health, safety or welfare requires emergency action, the Director shall incorporate findings in support of such action in a written notice of emergency revocation issued to the permittee. Emergency revocation shall be effective upon receipt by the permittee. Thereafter, if requested by the permittee in writing, a revocation hearing before the Board of the Department of Environmental Quality shall be provided. Such hearings shall be conducted in accordance with the Rules of Administrative Procedures contained in IDAPA 58.01.23.
9. The provisions of this permit are severable and if a provision or its application is declared invalid or unenforceable for any reason, that declaration will not affect the validity or enforceability of the remaining provisions.
10. The permittee shall notify the DEQ at least six (6) months prior to permanently removing any permitted reuse facility from service, including any treatment, storage, or other facilities or equipment associated with the reuse site. Prior to commencing closure activities, the permittee shall: a) participate in a pre-site closure meeting with the DEQ; b) develop a site closure plan that identifies specific closure, site characterization, or cleanup tasks with scheduled task completion dates in accordance with agreements made at the pre-site closure meeting; and c) submit the completed site closure plan to the DEQ for review and approval within forty-five (45) days of the pre-site closure meeting. The permittee must complete the DEQ approved site closure plan.

Appendix

HYDRAULIC MANAGEMENT UNITS

Serial Number	Description	Acres
MU-012301	All golf course irrigated areas south of Highway 200	28
MU-012302	All golf course irrigated areas north of Highway 200	53
MU-012303	Class C Irrigation	7.75

WASTEWATER SAMPLING & MONITORING POINTS

Serial Number	Description
WW-012301-2	7.65 MG Wastewater Lagoon Inlet Flow Meter WW-012301 - Gravity Line Flow Meter WW-012302 - Pressure Line Flow Meter
WW-012303	Dosing Pump Station Flow Meter
WW-012304	Following filtration and prior to disinfection
WW-012305	Irrigation Pump Station Flow Meter
WW-012306	After disinfection and 30 minutes of chlorine contact
WW-012307	Pack River Irrigation Pump Station Flow Meter
WW-012308 WW-012309 WW-012310	Irrigation Pond A, Irrigation Pond B, and Irrigation Pond C water level staff gauges
WW-012311	Golf Irrigation Pump Station Flow Meter

Appendix

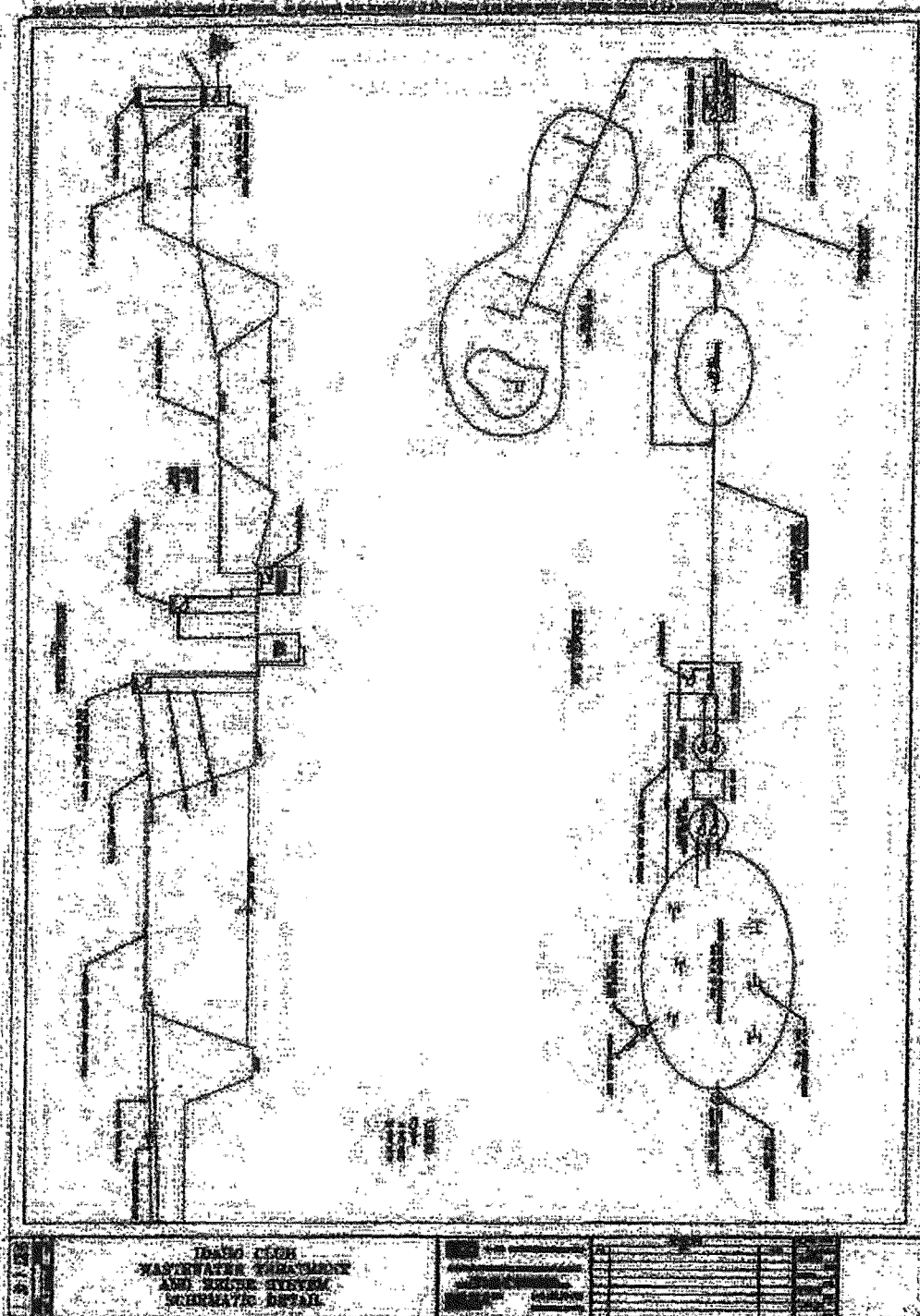
GROUND WATER MONITORING

Serial Number	Description	Location
GW-012301	The Idaho Club public drinking water well #1	IDWR Tag No D00137991
GW-012302	Harriman 1986 Domestic Well	Section 2
GW-012303	Klay 1986 Domestic Well	Section 16
GW-012304	Bill Berry 1979 Domestic Well	Section 36
GW-012305	Jim/Bill Berry 1983 Domestic Well	Section 31
GW-012306 to GW-012308	Shallow (48") Piezometers - one per HMU	Golf Course

LAGOONS

Serial Number	Description
LG-012301	7.65 MG Aerated Wastewater Lagoon
LG-012302	Irrigation Pond A (1.09 MG capacity)
LG-012303	Irrigation Pond B (2.12 MG capacity)
LG-012304	Irrigation Pond C (1.57 MG capacity)

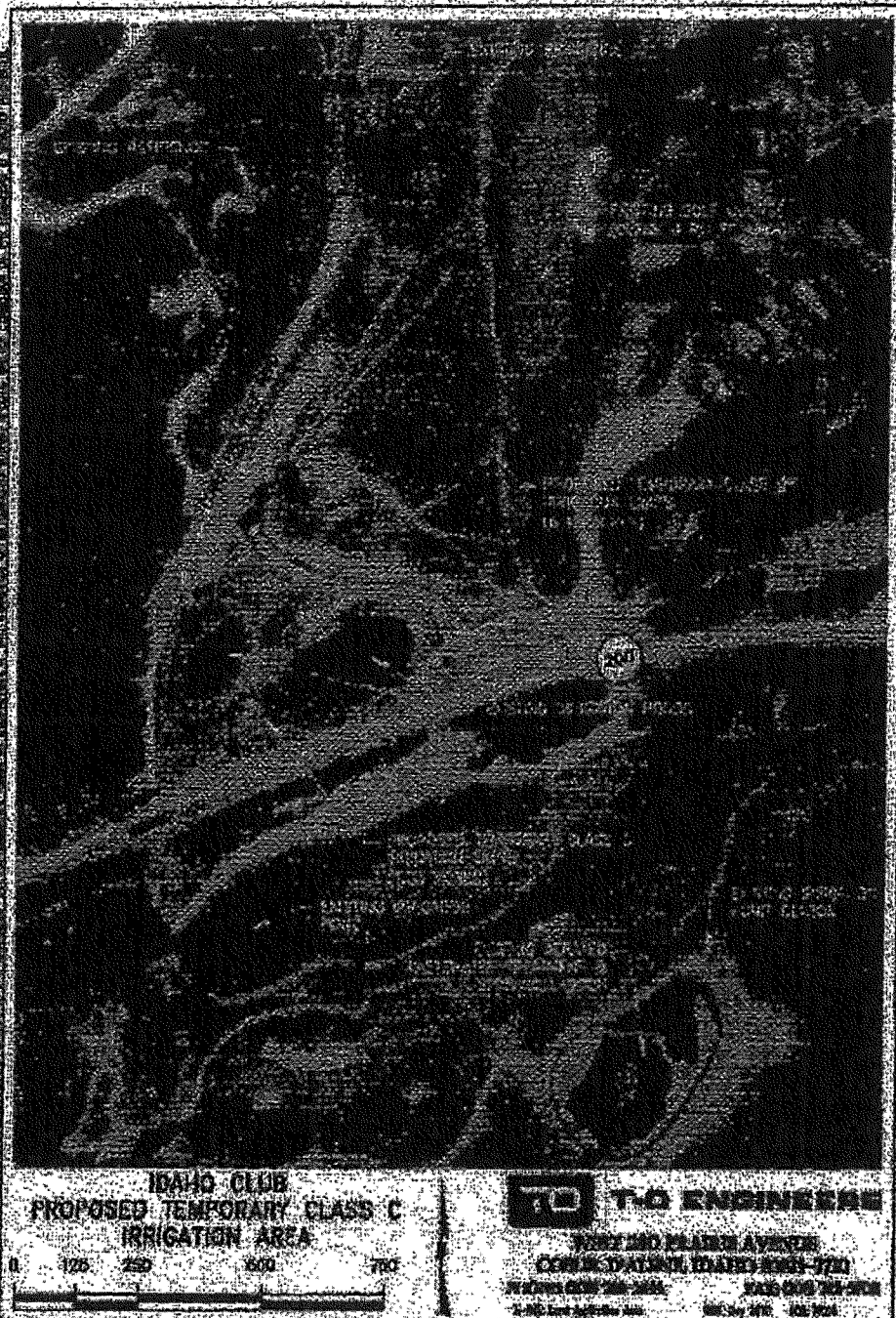
Appendix



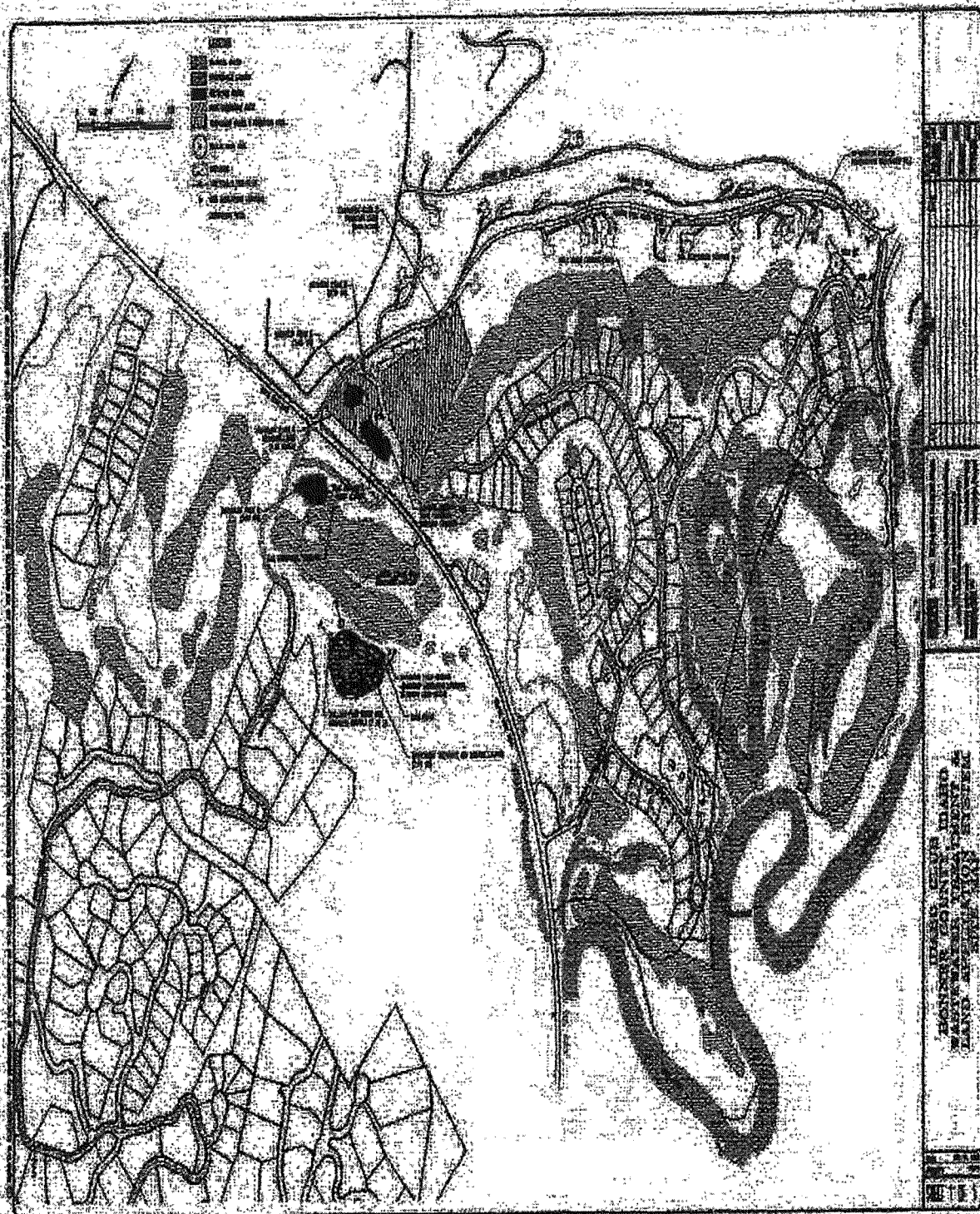
Appendix



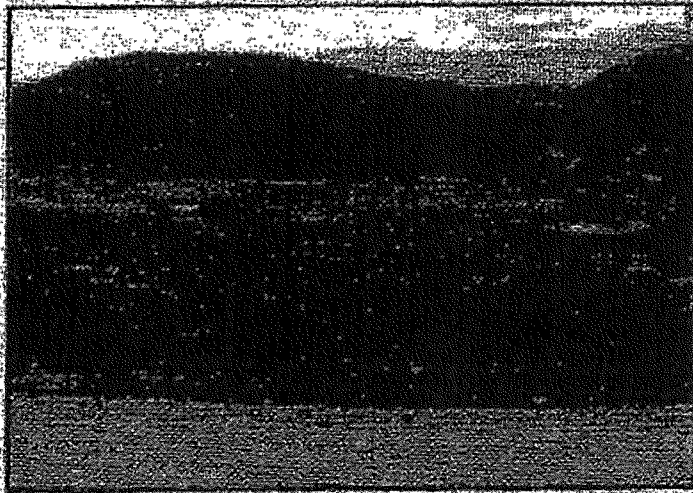
Appendix



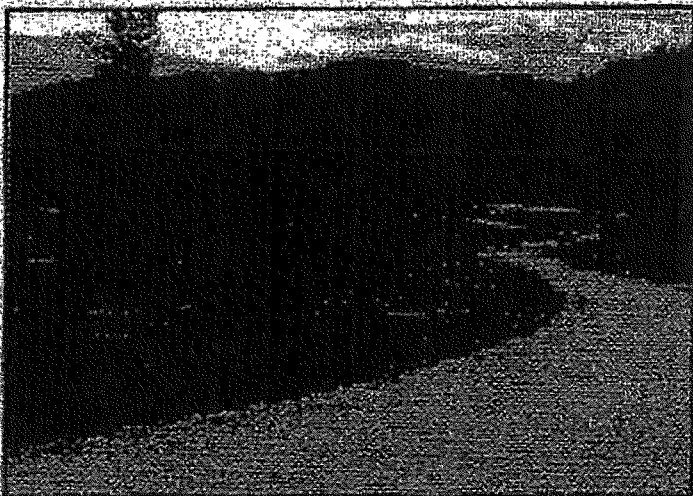
Appendix



Appendix



Looking east across proposed Class I irrigation area towards the golf course.



South side of proposed Class I irrigation area looking east.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814 • (208) 769-1422

C. L. "Butch" Otter, Governor
Toni Hardesty, Director

November 5, 2010

Mr. Chuck Reeves creeves@theidahoclub.com
Pend Oreille Bonner Development, LLC
151 Clubhouse Lane
Sandpoint, ID 84864

Subject: Permit Modification of Compliance Activities, Wastewater Reuse Permit,
The Idaho Club LA-000123-02

Dear Mr. Reeves:

On October 20, 2010, this office transmitted to you a staff analysis and draft permit modification to the Idaho Club Wastewater Reuse Permit in response to an application received on September 14, 2010 from Scott McNee, P.E. with T-O Engineers. The information was posted on the DEQ website for fifteen days in solicitation of comments. No comments were received from you (or as the result of this posting). DEQ has decided to issue the permit modification without making any changes to the modification presented in the draft.

Appendix A, as attached to this letter, has been executed and effectively modifies completion dates for three compliance activities contained in the original permit as issued to you on July 28, 2010. We trust that you will endeavor to comply with the revised compliance schedule by having the record drawings, draft Plan of Operation, and notice that the flow meters are operating to DEQ before January 28, 2011. In addition, before April 28, 2011, the permit now requires submittal of the final Plan of Operation and Operation and Maintenance Manual.

Failure to comply with permit requirements can result in DEQ initiating enforcement actions that may result in the disapproval of the wastewater system, penalties, and reimposition of sanitary restrictions on lots served by the wastewater system.

We will be placing a copy of the executed permit modification on the DEQ website.

Sincerely,

A handwritten signature in cursive script, reading "Gary J. Gaffney".

Gary J. Gaffney, P.E.

gary.gaffney@deq.idaho.gov

c: Richard Huddleston, Richard.Huddleston@deq.idaho.gov
Scott McNee, smcnee@to-engineers.com
Bob Hansen, wsmibob@aol.com
Richard Vilelli, vilelli@coldreams.com

**MODIFICATION
WASTEWATER REUSE PERMIT
PERMIT No. LA-000123-02
APPENDIX "A"**

PERMITTEE NAME: The Idaho Club, Pend Oreille Bonner Development LLC

EFFECTIVE DATE OF THIS MODIFICATION: November 5, 2010

Complete Description of Modification: Schedule E. Compliance Schedule for Required Activities is hereby modified as follows:

1. Compliance Activity CA-012302: Record Drawings and Draft Plan of Operation/Operation and Maintenance (O&M) Manual.

Change due date of: Prior to 60 days after permit issuance

To: no later than January 28, 2011.

2. Compliance Activity CA-012303: Completion of power and control systems for the two lagoon inlet flow meters and notification to DEQ.

Change due date of: Prior to 120 days after permit issuance

To: no later than January 28, 2011.

3. Compliance Activity CA-012304: The final Plan of Operation and final O&M Manual for the wastewater treatment and reuse systems.

Change due date of: Prior to 120 days after permit issuance

To: no later than April 28, 2011.

The DEQ, including its agents, employees and representatives, shall not be liable for any injuries or damages to persons or property resulting from the issuance of this permit modification or the acts or omissions of the permittee in carrying out activities pursuant to this permit modification. The permittee shall hold harmless and indemnify the DEQ with respect to any and all claims or causes of action arising from or on account of activities carried out by the permittee pursuant to this permit modification.

The modification described above and referred to as Appendix "A" is hereby approved. This appendix to the permit is incorporated into and constitutes a part of Permit No. LA-000123-02. This appendix must be attached to the permit. The permit is incomplete and unlawful under the Reclamation and Reuse of Municipal and Industrial Wastewater Regulations (IDAPA 58.01.17) without this appendix attached.

Signed,



Daniel C. Redline
Coeur d'Alene Regional Administrator
Idaho Department of Environmental Quality

11/5/2010
Date



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway, Coeur d'Alene, ID 83814 (208) 769-1422

C. L. "Butch" Otter, Governor
Curt Fransen, Director

May 1, 2014

Mr. Chuck Reeves
Pend Oreille Bonner Development, LLC
151 Clubhouse Lane
Sandpoint, ID 83864
reeves@theidahoclub.com
CERTIFIED MAIL: 7011 0110 0000 4529 8838

Richard Vilelli
VP Incorporated
533739 Highway 95
Bonners Ferry, ID 83805
dick@vilelliprv.com
CERTIFIED MAIL: 7011 0110 0000 4529 8821

Subject: The Idaho Club, Reuse Permit LA-000123-02, Minor Permit Modification

Dear Sirs:

On April 24, 2014, Bob Hansen with Water Systems Management, Inc. submitted to the Department of Environmental Quality (DEQ) a request to modify the Idaho Club wastewater reuse permit LA-000123-02. Mr. Hansen is the responsible charge operator for The Idaho Club wastewater system. The request includes a modification of the total coliform monitoring frequency requirement under Section G of the permit from daily to Monday through Friday with the exception of holidays.

The daily monitoring requirement listed in Section G of the permit limits the treatment system from operating on weekends and holidays because the analytical laboratory is not open on weekends and holidays to receive and analyze samples. The proposed modification to the operating requirements will allow the treatment plant to operate seven (7) days a week and give the operators more flexibility when producing both Class B and Class C recycled water. The requested modified monitoring frequency is the same as the reduced monitoring frequency approved for September and October 2013 by DEQ for The Idaho Club in the Compliance Agreement Schedule executed on September 12, 2013 between DEQ and Pend Oreille Bonner Development and VP Incorporated.

A review of the total coliform monitoring data revealed that during the operational period between September and October of 2013, the Idaho Club exceeded the median total coliform limits of 2.2 organisms per 100 milliliters four (4) times as determined from the bacteriological results of the last seven (7) days for which analyses were completed, as well as the maximum of 23 organisms/100mL two (2) times. However, these exceedances occurred during the initial system start-up and no other exceedances occurred during the 2013 operation season. There were no total coliform violations during the 2011 and 2012 operating seasons. The reduced monitoring frequency will require the operator to collect a maximum of over 100 samples during the May 1 through September 31 operating period. Public health will continue to be protected even with the reduced sampling frequency because there will be adequate data collected to determine compliance with the permit limits.

Chuck Reeves / Certified Mail: 7011 0110 0000 4529 8838

Richard Villelli / Certified Mail: 7011 0110 0000 4529 8821

May 1, 2014

Page 2

Mr. Hansen states in his modification request that allowing continual operation through the weekends and holidays will reduce treatment system start-up and re-optimization after each weekend, which is a time consuming process. Continual operation of the treatment facility will allow for more consistency and efficiency in the treatment process as well.

DEQ has reviewed the modification request and the permit modifications are hereby approved by DEQ. The attached document, Appendix B, serves as the modification to the total coliform monitoring requirements listed in Section G of Reuse Permit LA-000123-02. This appendix must be attached to the permit.

Should you have any questions regarding this permit modification, please contact Matt Plaisted at (208) 666-4622.

Sincerely,



Daniel Redline

Regional Administrator

Daniel.Redline@deq.idaho.gov

c: Scott McNee, P.E., T-O Engineers, smcnee@to-engineers.com
Bob Hansen, Operator, Water Systems Mgt, wsmibob@aol.com
John Tindall, P.E., DEQ Coeur d'Alene, john.tindall@deq.idaho.gov
Matt Plaisted, P.E., DEQ Coeur d'Alene, matthew.plaisted@deq.idaho.gov
File: TRIM WW Idaho Club_2010AFL39

MODIFICATION OF LAND APPLICATION PERMIT
APPENDIX "B" TO PERMIT No. LA-000123-02

PERMITTEE NAME: The Idaho Club, Pend Oreille Bonner Development LLC and VP Incorporated

EFFECTIVE DATE

OF THIS MODIFICATION:

May 1, 2014

Complete Description of Modification:

Schedule G. Monitoring Requirements are hereby modified as follows:

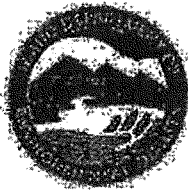
Frequency	Monitoring Point	Description and Type of Monitoring	Parameters
5 days per week, Monday through Friday, Excluding Holidays (when discharging Class B or C wastewater)	After filtration, disinfection, and 30 minutes of contact time. (WW-012305)	Grab Sample	Total Coliform Bacteria (organisms/100 ml.)

The modification described above and referred to as Appendix "B" is hereby approved. This appendix to the permit is incorporated into and constitutes a part of Permit No. LA-000123-02. This appendix must be attached to the permit. The permit is incomplete and unlawful under the Reclamation and Reuse of Municipal and Industrial Wastewater Regulations (IDAPA 58.01.17) without this appendix attached.

Signed,


Daniel Redline, Regional Administrator

May 1, 2014
Date



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83726 • (208) 373-0502

G.L. "Buck" Oller, Governor
Curt Hansen, Director

January 6, 2015

Dick Vilelli
VP Incorporated
333739 Highway 95
Bonners Ferry, Idaho 83864
dick@vilellipvw.com

**Subject: Reuse Permit No. M-123-03 (previous permit number LA-000123-02)
The Idaho Club, Permit Application Completeness Determination**

Dear Mr. Vilelli:

On October 23, 2014, the Idaho Department of Environmental Quality (DEQ) received a permit renewal application for the Idaho Club Reuse System. DEQ has reviewed the application and has determined that the application is substantially complete. Although the application for permit renewal has been deemed substantially complete, additional information may be required as we complete preparation of the draft permit.

The effective date of the permit application is January 6, 2015. DEQ will issue a preliminary decision to prepare a draft permit or deny the application within 30 days of this letter, and a draft permit should be issued for a 30-day public comment period within 60 days of the preliminary decision. You will be given an opportunity to review the draft permit prior to its issuance for public comment. It is expected that a final permit for this facility should be issued by July 6, 2015.

If you have any questions, concerns, or additional requests, please feel free to contact me at (208) 373-0151, or via email at larry.waters@deq.idaho.gov.

Sincerely,

Larry L. Waters, P.E.
Scientist 3
DEQ Technical Services

LW:sft

PDF: Scott McNee, T-O Engineers, Inc., smcnee@to-engineers.com
Chas Ariss, Wastewater Program Manager, chas.ariss@deq.idaho.gov
John Tindall, Engineering Manager, Coeur d'Alene Regional Office, john.tindall@deq.idaho.gov
Matthew Plaisted, Technical Engineer, Coeur d'Alene Regional Office, matthew.plaisted@deq.idaho.gov
Michael Stambulis, DEQ Technical Services, michael.stambulis@deq.idaho.gov
Tammara Gollightly, Water Quality, tammara.gollightly@deq.idaho.gov
TRIM Folder 2015ACH7

Exhibit
B

9789

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 18 PM 2:50

CLERK DISTRICT COURT

DEPUTY

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY PLLC
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,
formerly known as
NATIONAL GOLF BUILDERS, INC.,
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER
DEVELOPMENT, LLC,**
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

**VALIANT IDAHO, LLC'S
MEMORANDUM IN
OPPOSITION TO
VP, INCORPORATED'S
MOTION TO DISSOLVE
TEMPORARY RESTRAINING ORDER**

Honorable Barbara A. Buchanan

**AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN.**

COMES NOW, Valiant Idaho, LLC ("Valiant"), by and through its attorneys of record, McConnell Wagner Sykes & Stacey PLLC files its Memorandum in Opposition to VP, Incorporated's Motion to Dissolve Temporary Restraining Order. By this reference, Valiant incorporates its (1) Memorandum in Opposition to VP, Incorporated's Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment filed on or about April 12, 2017 ("Opposition Memo"); (2) the Declaration of William Haberman in Support of Memorandum in Opposition to VP, Incorporated's Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment filed on or about April 11, 2017 ("Haberman Stay Dec."); (3) the Declaration of Steven B. Cordes, P.E., in Support of Memorandum in Opposition to VP, Incorporated's Motion for Order Allowing Use and Access of Parcels 1 and 2 ("Cordes Dec."); (4) [Valiant]'s Memorandum in Support of Motion For A Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated ("TRO Memo"); and (5) the Declaration of William Haberman in Support of Valiant Idaho, LLC's Motion For A Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated ("Haberman TRO Dec.").

I. INTRODUCTION

VP, Incorporated ("VP") owns the source wells that provide domestic water and fire protection services to all lots and homes within *The Idaho Club*. Declaration of Richard Villelli in Support of the Motion For Order Allowing Use and Access of Parcels 1 and 2 and Application For Stay of Enforcement of Order Granting Motion to Enforce Judgment filed on or about March 7, 2017 ("Villelli Dec."), ¶ 4.

VP has informed this Court that, if it shuts off water services to the *The Idaho Club*, as defined by the master plan approved by the County of Bonner, State of Idaho, the following catastrophic consequences will occur:

1. Eighty-two (82) homes, housing approximately 188 people will not have water services; meaning that 188 people cannot cook, shower or use the bathrooms in their homes. *Villelli Dec.*, ¶¶ 8, 14.

2. Turning-off the water to these residents is likely to “cause raw sewage” to back into their homes and creates a risk that the “sewer lagoon will overflow and contaminate its surroundings,” and may even contaminate tributaries of Lake Pend Oreille. *Id.*, ¶¶ 8, 12, 14.

3. *The Idaho Club* golf facilities, public restrooms and security buildings will not have water services. *Id.*, ¶ 8.

4. Up to 291 properties within *The Idaho Club*, including the aforementioned homes, properties and facilities, will be without any water for fire protection. *Id.*, ¶ 9.

5. There is no other source of domestic water in this area. Declaration of Richard Villelli in Support of Reply Memorandum in Support of Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant Idaho, LLC's Motion to Enforce Judgment filed April 17, 2017 (“2nd Villelli Dec”), ¶ 3.

Furthermore, “[w]ithout water it is not possible to operate the sewer system and [Valiant’s] lines and pumping system are [sic] used for transporting affluent.” *Haberman Stay Dec.*, Ex. 10.

On April 12, 2017, VP turned off water services to at least 32 homes, the wastewater reuse system and lagoon, and the 154 lots purchased by Valiant pursuant to the foreclosure (“Valiant Property”). *See* 2nd Villelli Dec., ¶¶ 6-11. This was done intentionally and with full

knowledge of the catastrophic consequences that would result. Moreover, Villelli ordered that the water be turned off even after learning that Valiant did not seek to eject VP from the water system until after it has drilled its own source wells and constructed infrastructure necessary to provide water on its own. Haberman Stay Dec., ¶¶ 43-44. This illegal and senseless act caused immediate and irreparable harm to Valiant and many of *The Idaho Club's* residents. Thankfully, this situation was rectified, at least temporarily, by the Court's issuance of a Temporary Restraining Order ("TRO") on April 13, 2017.

VP now claims that the Court is powerless to enjoin these catastrophic events and illegal conduct. This claim is wholly without merit as this is an "extreme case where the right is very clear and it appears that irreparable injury will flow from its refusal." *Evans v. Dist. of Fifth Judicial Dist.*, 47 Idaho 267 (1929).

II. **ARGUMENT**

A. This Court Is Authorized To Grant Temporary Restraining Orders And Preliminary Injunctions.

VP claims that this Court cannot grant injunctive relief since this matter has been fully adjudicated. This contention is wholly without merit. VP misstates or misunderstands caselaw and ignores the plain language of the Idaho Appellate Rules.

Rule 13(a)(10) of the Idaho Appellate Rules ("Appellate Rule" or "Appellate Rules," as appropriate), expressly authorizes this Court to "make *any order* regarding the use, preservation or possession of any property which is the subject of the action on appeal." (Emphasis added.) An "injunction" is "[a] court order commanding or preventing an action." *Black's Law Dictionary* 800 (8th Ed. 2007). As an injunction is an "order," Appellate Rule 13(a)(10) authorizes and

provides this Court with jurisdiction to enter an injunction during the pendency of an appeal. *See also* Idaho Code § 1-705(2) (providing a district court with original jurisdiction to issue “all writs necessary to the exercise of its powers.”).

The Idaho Court of Appeals has specifically held that Appellate Rule 13(a)(10) authorizes a court to issue an injunction to protect or preserve the property subject to a judgment pending an appeal. Contrary to VP’s assertion, *Alumet v. Bear Lake Grazing Co.*, 119 Idaho 979 (Ct. App. 1991), provides support for the Court’s issuance of the TRO as well as a preliminary injunction. In *Alumet*, following entry of judgment, Bear Lake Grazing Co., the prevailing party, “moved the district court to enter an order under I.A.R. 13 for ‘preservation of property and effectiveness of judgment,’ pending appeal. *Alumet*, 119 Idaho at 982. The district court then “entered an order directing Alumet *to refrain from mining* unless it” complied with conditions specified by the district court. *Id.* at 983 (emphasis added). Thus, the district court entered an order, *i.e.*, an injunction, that precluded the non-prevailing party from engaging in certain actions pending appeal. The Idaho Court of Appeals then affirmed the district court’s Appellate Rule 13 post-judgment orders. *Id.* at 987.

VP’s claim that Valiant has asserted there is no caselaw which supports the Court’s issuance of an injunction misstates the language and context of Valiant’s prior briefing. Valiant advised the Court that it “was unable to find any Idaho caselaw that would entitle a *defendant* to obtain a preliminary injunction during the pendency of an appeal.” Opposition Memo. at 9 (emphasis added). Valiant stands by this statement: It is not aware of any caselaw would allow a *defendant*, *e.g.*, a party in the position of VP, from obtaining a preliminary injunction during the pendency of an appeal to prevent enforcement of a judgment. Instead, as a

defendant, VP can avoid enforcement of a judgment only by posting a security or supersedeas bond in accordance with Appellate Rules 13(a) and 13(b).

The Appellate Rules, Idaho Code and caselaw authorize and grant jurisdiction for this Court to enter temporary restraining orders and injunctions during the pendency of an appeal. As such, the Court was authorized to enter the TRO and the Court is authorized to enter an injunction prohibiting VP from turning off water services to any portion of *The Idaho Club* until such time as said services can be obtained from another source.

B. Valiant Has Standing To Seek Injunctive Relief.

As discussed above, VP has testified that shutting off water services to certain parts of *The Idaho Club* will cause irreparable harm to 32 homeowners and Valiant. VP asserts that it may nonetheless turn off the water to these properties because Valiant has not entered into a service contract with VP to provide water services and VP is not otherwise obligated to provide said services to the Valiant Property. In other words, VP contends that Valiant lacks standing to seek injunctive relief. While there is not a water services agreement between VP and Valiant, VP ignores its obligations, pursuant to permits issued by Idaho Department of Environmental Quality ("IDEQ") and plats duly recorded in the Bonner County Recorder's Office, to provide fire services and municipal water to all properties within *The Idaho Club*, including those owned by Valiant, until another source of domestic water is available. Valiant has standing to seek the relief requested.

Idaho Code §§ 50-1326 thru 50-1329 place sanitary restrictions upon every residential subdivision plat prohibiting construction of any building until the developer has complied with the Act. Before the plats comprising *The Idaho Club* could be recorded, the developer was

required to certify that “all of the lots in the plat will be eligible to receive water service from an existing water system . . . *and the existing water distribution system has agreed in writing to serve all of the lots in the subdivision.*” I.C. § 50-1334 (emphasis added.)

VP obtained Public Water System Permit No. 1090195 (“PWS No. 1090195”) from JV, LLC in or about October of 1995. Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC’s Motion to Enforce Judgment filed on February 17, 2007, ¶¶ 3-4. PWS No. 109195 was transferred to VP prior to the recordation of plats comprising *The Idaho Club* development. PWS No. 109195 obligates VP to operate the public water system and provide water and fire protection services to all of the lots and property owners within the development until an alternate source of water is available. *See id.* at ¶¶ 5-8.

On July 7, 2005, VP sent Charles Reeves a “will serve” letter. Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC’s Motion For Order of Sale filed August 4, 2015 (“Villelli Opp Sale Dec.”), Ex. C. According to Richard Villelli, the purpose of this letter is to advise Bonner County that “all Lots shown on the Plat will receive water and sewer services from VP, Inc. (PWS No. 1090195).” *Id.*, ¶ 12, Ex. C. VP understood that the “will serve” letter was required in connection with the planned unit development application and plat applications that were being submitted to Bonner County for its approval. *Id.*, ¶ 12.

Pond Oreille Bonner Development, LLC’s (“POBD”) planned unit development application (“PUD Application”) and preliminary plat applications (“Prelim Plat Application”) for Golden Tee 2nd through 11th additions were provided to VP. Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC Motion to Alter, Amend and/or Reconsider Order of Sale filed August 26, 2015 (“Villelli Opp Reconsider Sale Dec.”), ¶ 8. The PUD Application states, “VP Inc.

is the water and sewer provider and 'will serve' the property as it is developed (see 7/7/05 Operations Director Robert Hansen's letter to Applicant Chuck Reeves, attached)." *Id.*, Ex. A, p. 11. The Prelim Plat Application includes identical language. *Id.*, Ex. B, p. 7. Richard Vilelli testified that "Bonner County approved the PUD and preliminary plat conditioned on VP providing water and sewer services . . ." *Id.*, ¶ 8.

VP also entered into a *Construction and Operation Agreement* with POBD in June of 2006, whereby VP agreed to provide water services to *The Idaho Club*. Vilelli Opp. Sale Dec., Ex. B, ¶ 11. Under the Construction and Operation Agreement, VP agreed to *inter alia* provide fire protection systems to the entirety of *The Idaho Club*, including the Valiant Property. *Id.*, Ex. B., p. 5.

In accordance with Idaho Code §§ 50-1326 thru 50-1329, all of the plats for *The Idaho Club* (Golden Tee Phase One, Golden Tee Phase Two, Golden Tee – 2nd Addition, Golden Tee – 3rd Addition, Golden Tee – 4th Addition, Golden Tee – 5th Addition, Golden Tee – 6th Addition, Golden Tee – 7th Addition, and Golden Tee – 8th Addition) include a "Water and Sewer Service Note" advising that "all Lots shown on the Plat will receive water and sewer service from VP, Inc. (PWS No. 1090195)." Declaration of Richard L. Stacey in Support of [Valiant's] Memorandum in Opposition to [VP's] Motion to Dissolve Temporary Restraining Order filed concurrently, ¶¶ 2-10, Exs. 1-9.

Each of the construction lenders for *The Idaho Club* development project, including Valiant's predecessors-in-interest (*i.e.*, R.E. Loans, LLC, Mortgage Fund '08 LLC and Pensco Trust Co.) relied on the representations in the recorded plats in agreeing to loan monies to POBD for construction of the development. As Barney Ng and Charles Reeves testified at the trial

of this matter, significant amounts were borrowed from construction lenders to construct the sewer and water system infrastructure. These loans were made with the understanding and belief that VP cannot shut off water and fire protection services to *The Idaho Club* unless an alternate water source is available. As the construction lenders' successor-in-interest, Valiant is entitled to rely upon these same representations.

Each of the individuals who have purchased lots within *The Idaho Club* relied upon the same representations set forth in the recorded plats. These homes and properties were built with the understanding and expectation that VP cannot stop providing water and fire protection services to these properties unless an alternate water source is available. Moreover, VP has contractually agreed to provide water services to each of the homes that it disconnected from the water system on April 12, 2017. *"Every individual parcel that receives water and sewer service has entered into a service agreement with VP, Inc. for such services."* Villelli Opp. Sale Dec., ¶ 24 (emphasis added). VP disregarded its obligation to provide water services as well as the catastrophic harm that it would cause to these homeowners when it disconnected these homes from the water system.

VP agreed to provide domestic water and fire protection services to each of the lots within *The Idaho Club*, including the Valiant Property. Valiant is entitled to rely upon the representations that VP has made to IDEQ in applying for PWS No. 1090195, as well as the representations that it made to Bonner County in agreeing to serve as the municipal water provider for *The Idaho Club*. As Valiant was immediately and irreparably harmed when VP turned off water to the Idaho Club, and as Valiant is entitled to rely upon VP's promises to provide domestic water and fire protection services to the Valiant Property, Valiant has standing to seek a temporary restraining order and

injunction to preserve and protect its property until such time as Valiant can provide water services on its own.

C. VP's Conduct Constitutes A Criminal Act Punishable Under Idaho Law.

Idaho Criminal Code § 18-4310 prohibits any person having control of a water system from willfully neglecting or refusing to deliver water to persons having a right thereto. *Id.* The statute further makes it a criminal misdemeanor to do so and creates a statutory basis to recover damages resulting from said conduct. *Id.*

Bonner County Ordinance § 12-623(d) requires “the minimum fire-flow and flow duration requirements for one- and two-family *dwellings* having a fire-flow calculation area that does not exceed 3,600 square feet . . . shall be 1,000 gallons per minute for 1 hour.” When VP turned off the water, it deprived 32 homes of water for fire protection services in violation of Idaho law. The lack of fire protection services to these homes greatly increases the risk of fire to the adjacent Valiant Property. Should a fire occur in one of these homes, there is no water available to stop the fire from spreading to the Valiant Property.

VP has cut-off water services to the Valiant Property and numerous other property owners within *The Idaho Club*. VP's actions are not only brazen and unnecessary—they are illegal. Should this Court determine that Valiant cannot rely upon VP's representations set forth in recorded documents, Valiant has standing to seek an injunction for violating Idaho law.

D. Judicial Estoppel Does Not Preclude The Court From Entering The TRO Or A Preliminary Injunction.

VP's claim that Valiant is judicially estopped from seeking the TRO and/or a preliminary injunction is wholly without merit. Valiant has advised the Court that “[u]ntil Valiant has drilled

its own source wells and constructed the additional infrastructure necessary to connect these wells to its existing Water System Infrastructure, Valiant has no intention of ejecting VP from the Water System or otherwise prohibiting VP from utilizing Valiant's Water System Infrastructure to provide water services to *The Idaho Club* homeowners." Haberman Stay Dec., ¶ 43 (emphasis in original). Moreover, Valiant will agree not to seek any rent for VP's use of the water system infrastructure to provide water services until such time as Valiant is able to provide such services. Declaration of William Haberman in Support of [Valiant's] Memorandum in Opposition to [VP's] Motion to Dissolve Temporary Restraining Order filed concurrently, ¶ 3.

Valiant has merely sought to enforce its rights under the Judgment while ensuring that water services critical to avoid immediate and irreparable harm are provided to *The Idaho Club* homeowners and the Valiant Property. This is not playing "fast and loose" with the Court or taking an inconsistent position. As such, judicial estoppel is inapplicable.

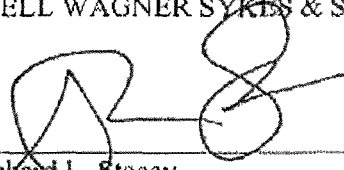
III. CONCLUSION

Based upon the foregoing points and authorities, the affiant testimony and evidence presented herewith, and any argument that may be presented at the time of hearing, Valiant respectfully requests this Court *deny* VP's Motion to Dissolve Temporary Restraining Order.

DATED this 18th day of April 2017.

McCONNELL WAGNER SYKES & STACEY PLLC

BY:


Richard L. Stacey
Attorneys For Valiant Idaho, LLC

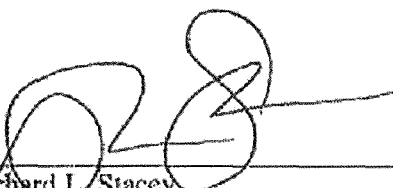
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail garyfinney@finneylaw.net
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail sweeks@jvwlaw.net

With a copy via Electronic Mail to:

Honorable Barbara A. Buchanan
Judge of the First Judicial District
Bonner County Courthouse
215 South First Avenue
Sandpoint, Idaho 83864
loppelt@bonnercountyid.gov



Richard L. Stacey

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 18 PM 2:53

CLERK DISTRICT COURT

DEPUTY

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY PLLC
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,
formerly known as
NATIONAL GOLF BUILDERS, INC.,
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER
DEVELOPMENT, LLC,**
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**DECLARATION OF
RICHARD L. STACEY IN SUPPORT OF
VALIANT IDAHO, LLC'S
MEMORANDUM IN OPPOSITION TO
VP, INCORPORATED'S MOTION TO
DISSOLVE TEMPORARY
RESTRAINING ORDER**

Honorable Barbara A. Buchanan

DECLARATION OF RICHARD L. STACEY IN SUPPORT
OF VALIANT IDAHO, LLC'S MEMORANDUM IN
OPPOSITION TO VP, INCORPORATED'S MOTION TO
DISSOLVE TEMPORARY RESTRAINING ORDER | Page 1
I:\1547.201\PLD\Disolve Opp-RLS Dec 170417.docx

Pursuant to Rule 11.1 of the Idaho Rules of Civil Procedure and Idaho Code § 9-1406,

Richard L. Stacey declares as follows:

1. I am an attorney at law duly licensed to practice before this Court, and all Courts in the State of Idaho. I am a member in the law firm of McConnell Wagner Sykes & Stacey PLLC, attorneys for Valiant Idaho, LLC ("Valiant"). I make this Declaration in support of Valiant's Memorandum in Opposition to VP, Incorporated's Motion to Dissolve Temporary Restraining Order filed concurrently and upon my personal knowledge.

2. Attached hereto as Exhibit 1 is a true and correct copy of the third page of the Plat of Golden Tee Estates Planned Unit Development (Phase One) recorded September 28, 2000 as Instrument No. 570645, in Book 6 of Plats, Page 108, Records of Bonner County, Idaho. This page includes a *Water and Sewer Certification* stating "[a]ll of the Lots shown on this Plat will receive water and sewer service from Hidden Lakes Subdivision and Golf Course System (PWS No. 1090195)."

3. Attached hereto as Exhibit 2 is a true and correct copy of the first page of the Plat of Golden Tee Estates 1st Addition Planned Unit Development (Phase Two) recorded December 5, 2000 as Instrument No. 573716, in Book 6 of Plats, Page 114, Records of Bonner County, Idaho. This page includes a *Water Service Note* stating "[a]ll of the Lots shown on this Plat will receive water service from Hidden Lakes Subdivision and Golf Course System (PWS No. 1090195)."

4. Attached hereto as Exhibit 3 is a true and correct copy of the first page of the Plat of Golden Tee Estates – 3rd Addition recorded October 6, 2006 as Instrument No. 714753, in Book 8 of Plats, Page 78, Records of Bonner County, Idaho. This page includes a *Water and Sewer Service Note* stating “[a]ll of the Lots shown on this Plat will receive water and sewer service from VP, Inc. (PWS No. 1090195).”

5. Attached hereto as Exhibit 4 is a true and correct copy of the first page of the Plat of Golden Tee Estates – 2nd Addition recorded October 6, 2006 as Instrument No. 714754, in Book 8 of Plats, Page 79, Records of Bonner County, Idaho. This page includes a *Water and Sewer Service Note* stating “[a]ll of the Lots shown on this Plat will receive water and sewer service from VP, Inc. (PWS No. 1090195).”

6. Attached hereto as Exhibit 5 is a true and correct copy of the first page of the Plat of Golden Tee Estates – 4th Addition recorded October 6, 2006 as Instrument No. 714755, in Book 8 of Plats, Page 80, Records of Bonner County, Idaho. This page includes a *Water and Sewer Service Note* stating “[a]ll of the Lots shown on this Plat will receive water and sewer service from VP, Inc. (PWS No. 1090195).”

7. Attached hereto as Exhibit 6 is a true and correct copy of the first page of the Plat of Golden Tee Estates – 5th Addition recorded October 6, 2006 as Instrument No. 714756, in Book 8 of Plats, Page 81, Records of Bonner County, Idaho. This page includes a *Water and Sewer Service Note* stating “[a]ll of the Lots shown on this Plat will receive water and sewer service from VP, Inc. (PWS No. 1090195).”

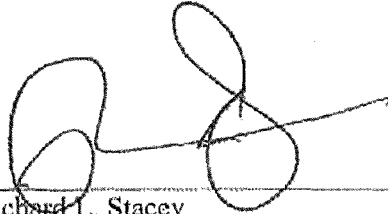
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail garyfinney@finneylaw.net
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail sweeks@jvwlaw.net

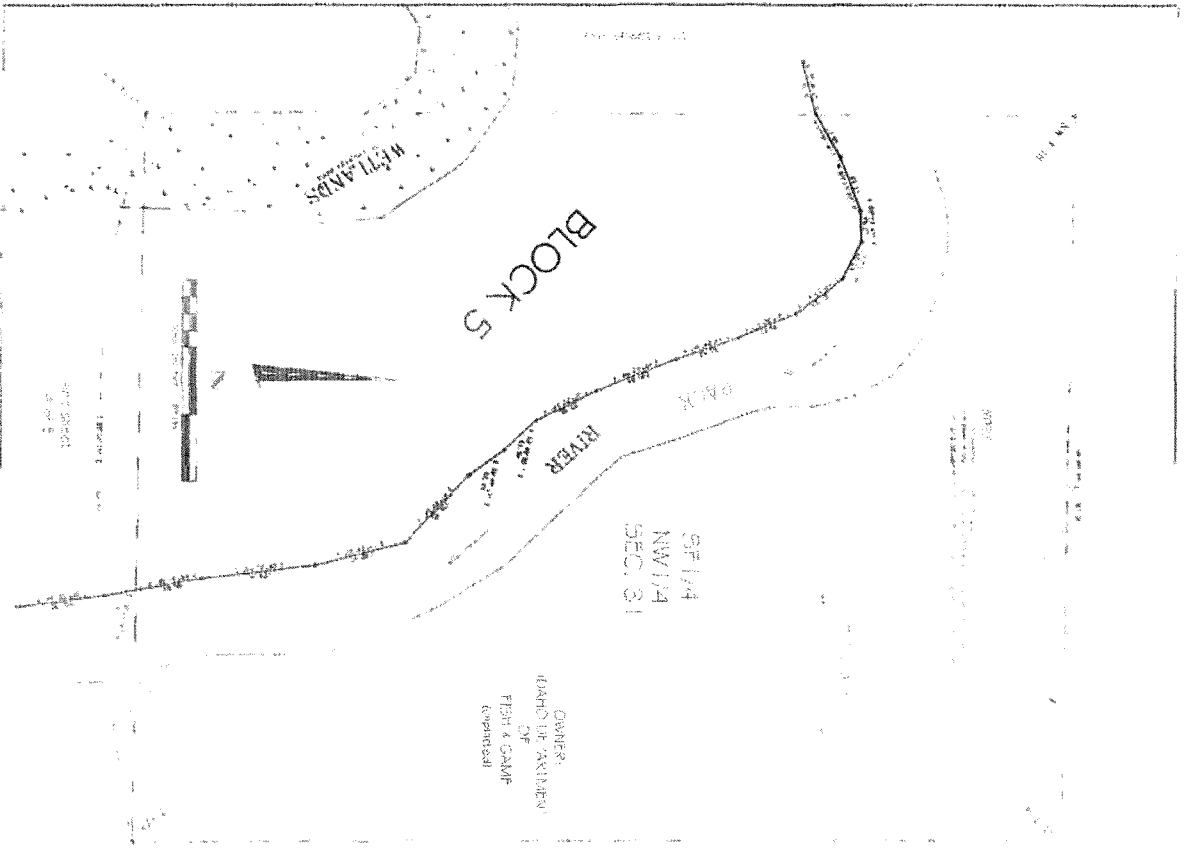
With a copy via electronic mail to:

Honorable Barbara A. Buchanan
Judge of the First Judicial District
Bonner County Courthouse
215 South First Avenue
Sandpoint, Idaho 83864
loppelt@bonnercountyid.gov


Richard L. Stacey

PLAT
OF
GOLDEN TEE ESTATES
PLANNED LAND DEVELOPMENT
(Phase One)

IN
SECTION 36, T1N, R10E, JOHN HENRY NEBRASKA
SHEET 3 OF 3



PLANNING AND RESTORATION
BY
[Signature]
DATE: 10/1/00

PLANNING AND RESTORATION
BY
[Signature]
DATE: 10/1/00

PLANNING AND RESTORATION
BY
[Signature]
DATE: 10/1/00

PLANNING AND RESTORATION
BY
[Signature]
DATE: 10/1/00

PLANNING AND RESTORATION
BY
[Signature]
DATE: 10/1/00

PLANNING AND RESTORATION
BY
[Signature]
DATE: 10/1/00



1921 Sept 100
William R. Stephens

MADE EXHIBIT
[Signature]

PLAT
OF
GOLDEN TEE ESTATES 1st ADDITION
PLANNED UNIT DEVELOPMENT
(Phase Two)
IN
BOISE MERIDIAN
BONNER COUNTY, IDAHO
SHEET 1 OF 3

SEC. 31, R. 1E & SEC. 36, R. 1W, T. 56N
BOISE MERIDIAN
BONNER COUNTY, IDAHO
SHEET 1 OF 3

WATER SERVICE NOTE

As of the 1st day of May, 1971, the water service was transferred from the Boise Water Company to the Boise Meridian Water Company, Inc. (BMCWI).

COVENANTS AND RESTRICTIONS

The plat is subject to the covenants, conditions, and restrictions of the Boise Meridian Water Company, Inc. (BMCWI), which are recorded in the Boise Meridian Water Company, Inc. (BMCWI) records.

PLANNING DIRECTOR'S CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

PLANNING COMMISSION CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

COUNTY TREASURER'S CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

PAYABLE HEALTH DISTRICT

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

COUNTY COMMISSIONERS' CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

COUNTY RECORDER

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

NOTARY PUBLIC ACKNOWLEDGEMENT

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

EASEMENTS OF RECORD

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

NOTE ON ROADS

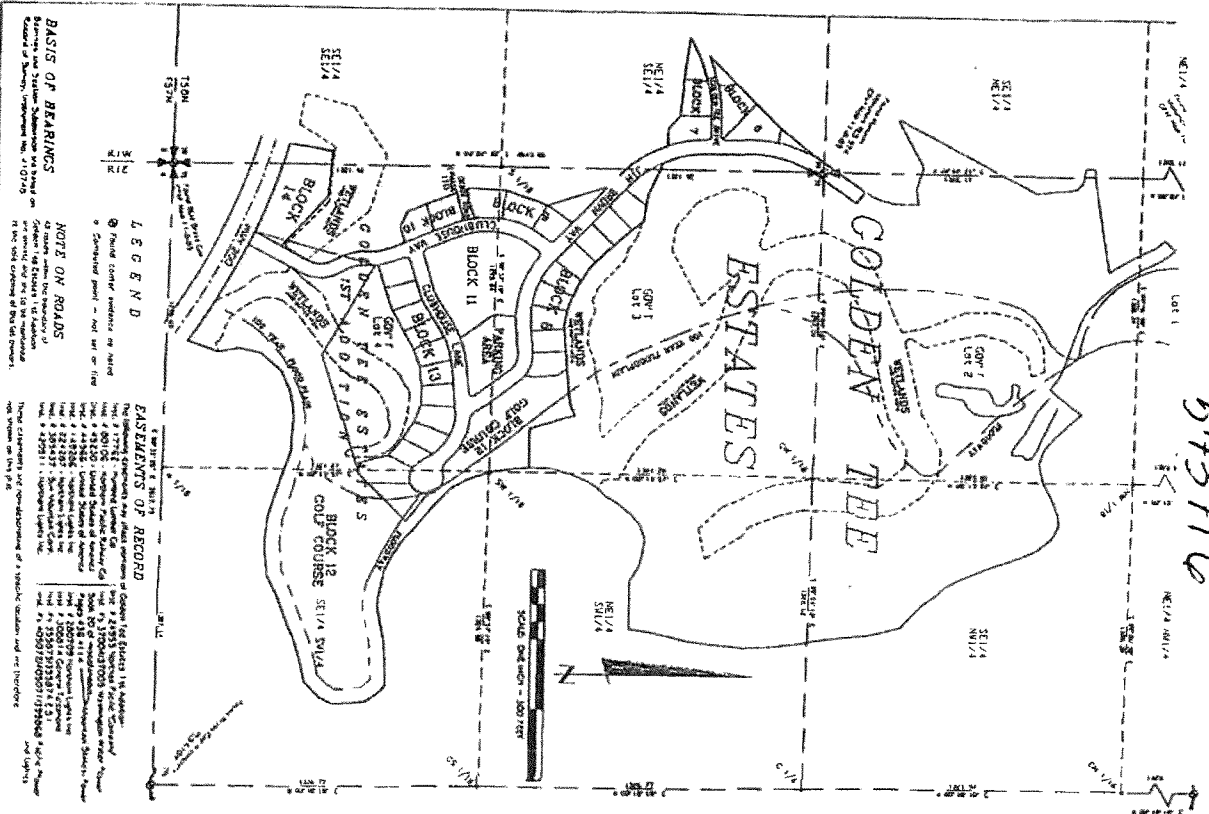
I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

OWNER'S CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

PLANNING COMMISSION CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.



OWNER'S CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

PLANNING COMMISSION CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

PLANNING DIRECTOR'S CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

COUNTY TREASURER'S CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

PAYABLE HEALTH DISTRICT

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

COUNTY COMMISSIONERS' CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

COUNTY RECORDER

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

NOTARY PUBLIC ACKNOWLEDGEMENT

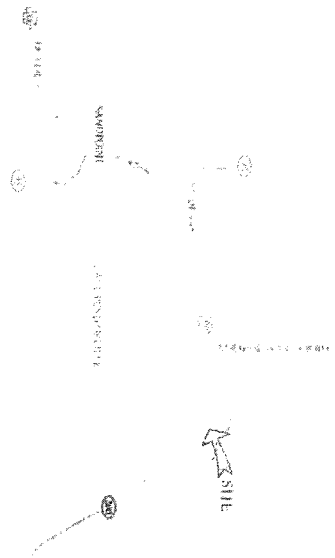
I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

EASEMENTS OF RECORD

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.

NOTE ON ROADS

I, the undersigned, being duly qualified, do hereby certify that the above described land is suitable for the purposes stated herein.



PLAT OF

GOLDEN TEE ESTATES - 3RD ADDITION

SECTION 2, TOWNSHIP 57, NORTH, RANGE 7 WEST

BOISE MERIDIAN, BONNER COUNTY, IDAHO

[illegible][illegible]

—

Fig. 1. ΔT_{max} vs. ΔT_{min} .

U. S. District - West

100% of 12.4

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

Time (h)	Temperature (°C)	Pressure (atm)	Flow rate (L/min)	Conversion (%)	Yield (%)	Product (g)	Residue (g)
0	100	1	1	0	0	0	100
1	100	1	1	10	10	10	90
2	100	1	1	20	20	20	80
3	100	1	1	30	30	30	70
4	100	1	1	40	40	40	60
5	100	1	1	50	50	50	50
6	100	1	1	60	60	60	40
7	100	1	1	70	70	70	30
8	100	1	1	80	80	80	20
9	100	1	1	90	90	90	10
10	100	1	1	100	100	100	0

100

[illegible]

Figure 1. A schematic diagram of the experimental setup. The subject is seated in a chair and views the target through a video screen. The target is a light source that is controlled by a computer. The subject's hand is positioned over the target. The distance between the subject's hand and the target is 10 cm. The target is a light source that is controlled by a computer. The subject's hand is positioned over the target. The distance between the subject's hand and the target is 10 cm.

THE UNIVERSITY OF CHICAGO

Figure 6

100
90
80
70
60
50
40
30
20
10
0

1. $\frac{1}{2}$
 2. $\frac{1}{2}$
 3. $\frac{1}{2}$
 4. $\frac{1}{2}$
 5. $\frac{1}{2}$
 6. $\frac{1}{2}$
 7. $\frac{1}{2}$
 8. $\frac{1}{2}$
 9. $\frac{1}{2}$
 10. $\frac{1}{2}$
 11. $\frac{1}{2}$
 12. $\frac{1}{2}$
 13. $\frac{1}{2}$
 14. $\frac{1}{2}$
 15. $\frac{1}{2}$
 16. $\frac{1}{2}$
 17. $\frac{1}{2}$
 18. $\frac{1}{2}$
 19. $\frac{1}{2}$
 20. $\frac{1}{2}$
 21. $\frac{1}{2}$
 22. $\frac{1}{2}$
 23. $\frac{1}{2}$
 24. $\frac{1}{2}$
 25. $\frac{1}{2}$
 26. $\frac{1}{2}$
 27. $\frac{1}{2}$
 28. $\frac{1}{2}$
 29. $\frac{1}{2}$
 30. $\frac{1}{2}$
 31. $\frac{1}{2}$
 32. $\frac{1}{2}$
 33. $\frac{1}{2}$
 34. $\frac{1}{2}$
 35. $\frac{1}{2}$
 36. $\frac{1}{2}$
 37. $\frac{1}{2}$
 38. $\frac{1}{2}$
 39. $\frac{1}{2}$
 40. $\frac{1}{2}$
 41. $\frac{1}{2}$
 42. $\frac{1}{2}$
 43. $\frac{1}{2}$
 44. $\frac{1}{2}$
 45. $\frac{1}{2}$
 46. $\frac{1}{2}$
 47. $\frac{1}{2}$
 48. $\frac{1}{2}$
 49. $\frac{1}{2}$
 50. $\frac{1}{2}$
 51. $\frac{1}{2}$
 52. $\frac{1}{2}$
 53. $\frac{1}{2}$
 54. $\frac{1}{2}$
 55. $\frac{1}{2}$
 56. $\frac{1}{2}$
 57. $\frac{1}{2}$
 58. $\frac{1}{2}$
 59. $\frac{1}{2}$
 60. $\frac{1}{2}$
 61. $\frac{1}{2}$
 62. $\frac{1}{2}$
 63. $\frac{1}{2}$
 64. $\frac{1}{2}$
 65. $\frac{1}{2}$
 66. $\frac{1}{2}$
 67. $\frac{1}{2}$
 68. $\frac{1}{2}$
 69. $\frac{1}{2}$
 70. $\frac{1}{2}$
 71. $\frac{1}{2}$
 72. $\frac{1}{2}$
 73. $\frac{1}{2}$
 74. $\frac{1}{2}$
 75. $\frac{1}{2}$
 76. $\frac{1}{2}$
 77. $\frac{1}{2}$
 78. $\frac{1}{2}$
 79. $\frac{1}{2}$
 80. $\frac{1}{2}$
 81. $\frac{1}{2}$
 82. $\frac{1}{2}$
 83. $\frac{1}{2}$
 84. $\frac{1}{2}$
 85. $\frac{1}{2}$
 86. $\frac{1}{2}$
 87. $\frac{1}{2}$
 88. $\frac{1}{2}$
 89. $\frac{1}{2}$
 90. $\frac{1}{2}$
 91. $\frac{1}{2}$
 92. $\frac{1}{2}$
 93. $\frac{1}{2}$
 94. $\frac{1}{2}$
 95. $\frac{1}{2}$
 96. $\frac{1}{2}$
 97. $\frac{1}{2}$
 98. $\frac{1}{2}$
 99. $\frac{1}{2}$
 100. $\frac{1}{2}$

100

15

2

Year	Percentage
1950	7
1960	9
1970	11
1980	13
1990	15
2000	16
2010	17
2020	17.5
2030	18
2040	18.5
2050	18.5

EXHIBIT
3

PLAT OF
GOLDEN TEE ESTATES - 2ND ADDITION
SECTION 2, TOWNSHIP 37 NORTH, RANGE 1 WEST,
BOONE MERIDIAN, BONNER COUNTY, IDAHO

COLBYRUE-CULVER RD

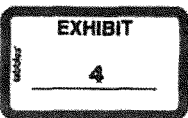
SITE



PONDERAY

SANDPOINT

LANE PEND OREILLE



EXHIBIT

4

Blair, Mervin, Mervyn, Mervyn

Blair, Mervin, Mervyn, Mervyn
Blair, Mervin, Mervyn, Mervyn

BLK	LOT
1	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

ON OPEN SPACE
IF SUNDAY ESTATE RESIDENT
IN BROTHERHOOD

J.R.S. SURVEYING, INC.
PO BOX 5098-6428 MAIN
BOONVILLE, TENN. 37605
(603) 867-7655
PLAT OF GOLDEN TEE ESTATES 2ND ADDITION
FOR THE BOONVILLE ESTATE, INC.
J.R.S. SURVEYING, INC.
BOONVILLE, TENN. 37605

RECORD & RETURN TO BOONVILLE ESTATE, INC.
BOONVILLE, TENN. 37605

Blair, Mervin, Mervyn, Mervyn
Blair, Mervin, Mervyn, Mervyn

Blair, Mervin, Mervyn, Mervyn

714755

PLAT OF

GOLDEN TREE ESTATES - 4TH ADDITION
SECTION 6, TOWNSHIP 57 NORTH, RANGE 1 EAST, &
SECTION 2, TOWNSHIP 57 NORTH, RANGE 1 WEST,
BOISE, MERIDIAN, BONNER COUNTY, IDAHO

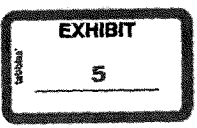
SHEET 1 OF 4

PONDREY

200

SITE

CUTTER



9810

Date: March 10, 1939

Observer: W. H. H. H.

Time: 10:30 AM

Place: Boise, Idaho

W. H. H. H.

W. H. H. H.

W. H. H. H.

W. H. H. H.

Surveyed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

Witnessed by: W. H. H. H.

INDEX

SITE



LAKE PEND OREILLE

200

GOLDEN TEE ESTATES - 6TH ADDITION
SECTION 6, TOWNSHIP 57 NORTH, RANGE 1E 45T,
BOISE MERIDIAN, BONNER COUNTY, IDAHO

BLACK	LOIS
1	18-19
2	20-21
3	22-23
4	24-25
5	26-27
6	28-29
7	30-31
8	32-33
9	34-35
10	36-37
11	38-39
12	40-41
13	42-43
14	44-45
15	46-47
16	48-49
17	50-51
18	52-53
19	54-55
20	56-57
21	58-59
22	60-61
23	62-63
24	64-65
25	66-67
26	68-69
27	70-71
28	72-73
29	74-75
30	76-77
31	78-79
32	80-81
33	82-83
34	84-85
35	86-87
36	88-89
37	90-91
38	92-93
39	94-95
40	96-97
41	98-99
42	100-101
43	102-103
44	104-105
45	106-107
46	108-109
47	110-111
48	112-113
49	114-115
50	116-117
51	118-119
52	120-121
53	122-123
54	124-125
55	126-127
56	128-129
57	130-131
58	132-133
59	134-135
60	136-137
61	138-139
62	140-141
63	142-143
64	144-145
65	146-147
66	148-149
67	150-151
68	152-153
69	154-155
70	156-157
71	158-159
72	160-161
73	162-163
74	164-165
75	166-167
76	168-169
77	170-171
78	172-173
79	174-175
80	176-177
81	178-179
82	180-181
83	182-183
84	184-185
85	186-187
86	188-189
87	190-191
88	192-193
89	194-195
90	196-197
91	198-199
92	200-201
93	202-203
94	204-205
95	206-207
96	208-209
97	210-211
98	212-213
99	214-215
100	216-217
101	218-219
102	220-221
103	222-223
104	224-225
105	226-227
106	228-229
107	230-231
108	232-233
109	234-235
110	236-237
111	238-239
112	240-241
113	242-243
114	244-245
115	246-247
116	248-249
117	250-251
118	252-253
119	254-255
120	256-257
121	258-259
122	260-261
123	262-263
124	264-265
125	266-267
126	268-269
127	270-271
128	272-273
129	274-275
130	276-277
131	278-279
132	280-281
133	282-283
134	284-285
135	286-287
136	288-289
137	290-291
138	292-293
139	294-295
140	296-297
141	298-299
142	300-301
143	302-303
144	304-305
145	306-307
146	308-309
147	

2. 1990年12月24日

[illegible][illegible][illegible]

Class males males, A.K.A.
Thompson & Smith - 300 people in total.

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

On 27th September "the
Charge Officer of
Clonville Lodge - Chief Deputy
Inspector" was present.

[illegible][illegible][illegible][illegible][illegible]

—

1. The first of these is the fact that the
 2. of the first of these is the fact that the
 3. of the first of these is the fact that the
 4. of the first of these is the fact that the
 5. of the first of these is the fact that the
 6. of the first of these is the fact that the
 7. of the first of these is the fact that the
 8. of the first of these is the fact that the
 9. of the first of these is the fact that the
 10. of the first of these is the fact that the

[illegible]

J.R.S. SURVEYING, INC.
PO BOX 3038-8478 MAIN
BONNERS FERRY, IN 46036
(304) 267-7666

COLLECT THE LISTED CITY ADDRESSES
FOR PROB SEATTLE NUMBER 007, 112
007-007-00
201 10710, 0012
AND PROB
AND PROB

EXHIBIT
7

OWNER'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

Edith T. Rose 8/12/07

NOTARY PUBLIC ACKNOWLEDGMENT

Given in and for the County of Bonner, Idaho, this 12th day of August, 1907, before me, the undersigned Notary Public, personally appeared *Edith T. Rose*, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

COUNTY SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

William Stebbins 12th August 1907

COUNTY TREASURER'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

William Stebbins 12th August 1907

COUNTY COMMISSIONER'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

William Stebbins 12th August 1907

HANDSHAKE HEALTH DISTRICT

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

William Stebbins 12th August 1907

SALES AND EXCHANGE SERVICE AREA

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

William Stebbins 12th August 1907

DATE OF BEARINGS

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

William Stebbins 12th August 1907

THIRTEEN EXCEPTIONS

1. The first exception is that the land is not within the boundaries of the County of Bonner, Idaho.

2. The second exception is that the land is not within the boundaries of the County of Bonner, Idaho.

3. The third exception is that the land is not within the boundaries of the County of Bonner, Idaho.

4. The fourth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

5. The fifth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

6. The sixth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

7. The seventh exception is that the land is not within the boundaries of the County of Bonner, Idaho.

8. The eighth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

9. The ninth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

10. The tenth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

11. The eleventh exception is that the land is not within the boundaries of the County of Bonner, Idaho.

12. The twelfth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

13. The thirteenth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

14. The fourteenth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

15. The fifteenth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

16. The sixteenth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

17. The seventeenth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

18. The eighteenth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

19. The nineteenth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

20. The twentieth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

21. The twenty-first exception is that the land is not within the boundaries of the County of Bonner, Idaho.

22. The twenty-second exception is that the land is not within the boundaries of the County of Bonner, Idaho.

23. The twenty-third exception is that the land is not within the boundaries of the County of Bonner, Idaho.

24. The twenty-fourth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

25. The twenty-fifth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

26. The twenty-sixth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

27. The twenty-seventh exception is that the land is not within the boundaries of the County of Bonner, Idaho.

28. The twenty-eighth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

29. The twenty-ninth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

30. The thirtieth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

31. The thirty-first exception is that the land is not within the boundaries of the County of Bonner, Idaho.

32. The thirty-second exception is that the land is not within the boundaries of the County of Bonner, Idaho.

33. The thirty-third exception is that the land is not within the boundaries of the County of Bonner, Idaho.

34. The thirty-fourth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

35. The thirty-fifth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

36. The thirty-sixth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

37. The thirty-seventh exception is that the land is not within the boundaries of the County of Bonner, Idaho.

38. The thirty-eighth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

39. The thirty-ninth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

40. The fortieth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

41. The forty-first exception is that the land is not within the boundaries of the County of Bonner, Idaho.

42. The forty-second exception is that the land is not within the boundaries of the County of Bonner, Idaho.

43. The forty-third exception is that the land is not within the boundaries of the County of Bonner, Idaho.

44. The forty-fourth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

45. The forty-fifth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

46. The forty-sixth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

47. The forty-seventh exception is that the land is not within the boundaries of the County of Bonner, Idaho.

48. The forty-eighth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

49. The forty-ninth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

50. The fiftieth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

51. The fifty-first exception is that the land is not within the boundaries of the County of Bonner, Idaho.

52. The fifty-second exception is that the land is not within the boundaries of the County of Bonner, Idaho.

53. The fifty-third exception is that the land is not within the boundaries of the County of Bonner, Idaho.

54. The fifty-fourth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

55. The fifty-fifth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

56. The fifty-sixth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

57. The fifty-seventh exception is that the land is not within the boundaries of the County of Bonner, Idaho.

58. The fifty-eighth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

59. The fifty-ninth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

60. The sixtieth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

61. The sixty-first exception is that the land is not within the boundaries of the County of Bonner, Idaho.

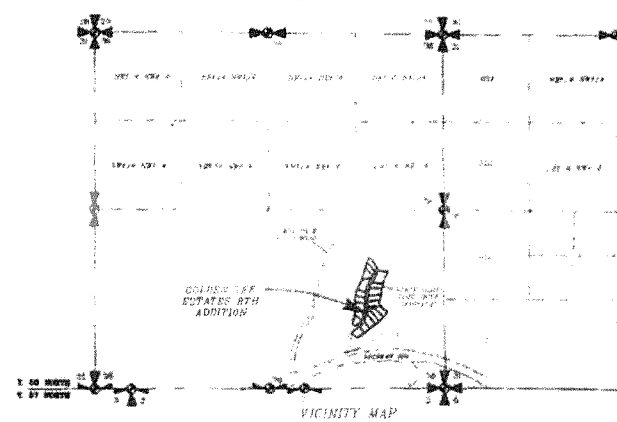
62. The sixty-second exception is that the land is not within the boundaries of the County of Bonner, Idaho.

63. The sixty-third exception is that the land is not within the boundaries of the County of Bonner, Idaho.

64. The sixty-fourth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

65. The sixty-fifth exception is that the land is not within the boundaries of the County of Bonner, Idaho.

PLAT OF GOLDEN TEE ESTATES - 8TH ADDITION SECTION 36, TOWNSHIP 58 NORTH, RANGE 1 WEST BOISE MERIDIAN, BONNER COUNTY, IDAHO SHEET 2 OF 2



LIENHOLDER'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

James L. Stebbins 12th August 1907

LIENHOLDER'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

James L. Stebbins 12th August 1907

LIENHOLDER'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

James L. Stebbins 12th August 1907

PLANNING DIRECTOR'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

James L. Stebbins 12th August 1907

SURVEYOR'S CERTIFICATION

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

James L. Stebbins 12th August 1907

INTENTION OF CERTIFICATION

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

James L. Stebbins 12th August 1907

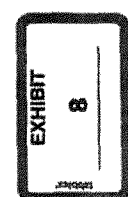
COUNTY RECORDER

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Bonner, Idaho.

James L. Stebbins 12th August 1907



J.R.S. SURVEYING, INC.
1000 1st St. N. Ste. 100
Boise, Idaho 83702
(208) 333-1111
FAX (208) 333-1112
GOLDEN TEE ESTATES - 8TH ADDITION
PLAT 12th August 1907
J.R.S. SURVEYING, INC.



OWNER'S CERTIFICATE

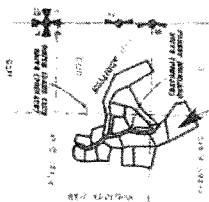
741302

TITLE PREPARATION

NOTES

PLAT OF
GOLDEN TEE ESTATES-7TH ADDITION
SECTION 6, TOWNSHIP 57 NORTH, RANGE 1 EAST
BOISE MERIDIAN, BONNER COUNTY, IDAHO
SHEET 3 OF 3

GOLDEN TEE
7TH ADDITION



LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

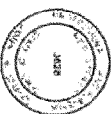
LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE

LIENHOLDERS CERTIFICATE



STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 18 PM 2:53

CLERK DISTRICT COURT

DEPUTY

Richard L. Stacey, ISB #6800
Jeff R. Sykes, ISB #5058
Chad M. Nicholson, ISB #7506
McCONNELL WAGNER SYKES & STACEY P.L.L.C.
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
Telephone: 208.489.0100
Facsimile: 208.489.0110
stacey@mwsslawyers.com
sykes@mwsslawyers.com
nicholson@mwsslawyers.com

Attorneys For Valiant Idaho, LLC

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,
formerly known as
NATIONAL GOLF BUILDERS, INC.,
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER
DEVELOPMENT, LLC,**
a Nevada limited liability company; *et al.*,

Defendants.

**AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN.**

Case No. CV-09-1810

**DECLARATION OF
WILLIAM HABERMAN IN SUPPORT
OF VALIANT IDAHO, LLC'S
MEMORANDUM IN OPPOSITION
TO VP, INCORPORATED'S
MOTION TO DISSOLVE
TEMPORARY RESTRAINING ORDER**

Honorable Barbara A. Buchanan

I, William Haberman, hereby state and declare:

1. I am the Manager of Valiant Idaho, LLC ("Valiant") and I make this declaration based on my own personal knowledge.

2. As the managing member of Valiant, I am responsible for overseeing and supervising all further development of *The Idaho Club*, as defined by the master plan approved by the County of Bonner, State of Idaho and, as such, I am familiar with the water and sewer system infrastructure located on, under and appurtenant to *The Idaho Club*, and have knowledge and understanding as to how these systems operate and deliver sewer/water services to lots within *The Idaho Club*. As the managing member of Valiant, I am authorized to make decisions for Valiant regarding collection of rents, profits, and damages with respect to the municipal water system Valiant purchased at the Sheriff's Sale on November 7, 2016, which is located in parcels identified in the Judgment, Decree of Foreclosure and Notice of Sale as *Parcel 1* and *Parcel 2* ("Valiant's Water System Infrastructure").

3. Valiant does not seek to collect rent and/or profits from VP, Incorporated ("VP") for VP's use of Valiant's Water System Infrastructure to provide water services to *The Idaho Club* from November 7, 2016 until such time Valiant has drilled its own source well, constructed whatever additional infrastructure is necessary to connect such well to Valiant's Water System Infrastructure, and is able to provide water services to *The Idaho Club*. Valiant reserves its right to collect rent and/or profits (including hookup/tap fees that VP has collected since Valiant took ownership) from VP for VP's use of Valiant's sewer system infrastructure.

I DECLARE, under penalty of perjury, that the foregoing is true and correct.

DATED this 18th day of April 2017.



WILLIAM HABERMAN

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 18th day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail garyfinney@finneylaw.net
Susan P. Weeks, Esq. James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail sweeks@jvwlaw.net

With a copy via electronic mail to:

Honorable Barbara A. Buchanan
Judge of the First Judicial District
Bonner County Courthouse
215 South First Avenue
Sandpoint, Idaho 83864
loppelt@bonnercountvid.gov


Richard L. Stacey

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 20 AM 11:19

CLERK DISTRICT COURT

DEPUTY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

GENESIS GOLF BUILDERS, INC.,
formerly known as
NATIONAL GOLF BUILDERS, INC.,
a Nevada corporation,

Plaintiff,

vs.

**PEND OREILLE BONNER
DEVELOPMENT, LLC,**
a Nevada limited liability company; *et al.*,

Defendants.

Case No. CV-09-1810

**ORDER EXTENDING THE
TEMPORARY RESTRAINING ORDER
AGAINST VP, INCORPORATED**

**AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN.**

Valiant Idaho, LLC's ("Valiant") Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated ("Motion") came regularly before the Court on April 13, 2017. The Court, having considered the (1) Motion, (2) Memorandum in Support of Valiant's Motion for a Temporary Restraining Order and Preliminary Injunction Against

VP, Incorporated, (3) Declaration of Richard L. Stacey in Support of Valiant's Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated, (4) Declaration of William Haberman in Support of Valiant's Motion for a Temporary Restraining Order and Preliminary Injunction Against VP, Incorporated, and (5) all other pleadings and declarations on file herein; and, **finding there was a threat that Valiant, its real property which is the subject of this litigation, as well as other residents within *The Idaho Club*, as defined by the master plan approved by the County of Bonner, State of Idaho, would suffer great and irreparable harm if water service were not immediately restored to *The Idaho Club* before Valiant's Motion for Preliminary Injunction could be heard on notice, and for other good cause, did enter an Order on Valiant Idaho, LLC's Motion for a Temporary Restraining Order Against VP, Incorporated on April 13, 2017, at 2:25 p.m.**

NOW, THEREFORE, Valiant's Motion for Preliminary Injunction, together with VP, Incorporated's Motion to Dissolve Temporary Restraining Order, and Motion for Order Allowing Use and Access of Parcels 1 and 2 and Application for Stay of Enforcement of Order Granting Valiant's Motion to Enforce Judgment, having come before the Court for a hearing on April 19, 2017, IT IS HEREBY ORDERED THAT:

1. VP, Incorporated ("VP"), and its agents, servants and employees, are ordered to continue to provide all water services that were being provided to the real properties and/or property owners within *The Idaho Club* before being shut off on April 12, 2017 by VP, or its employees, servants or agents, as this Court previously ordered in the April 13, 2017, Temporary Restraining Order.

2. VP, and its agents, servants, and employees, are prohibited from further interfering with or terminating such water service until this Court enters its decision and order on the motions heard on April 19, 2017.
3. This Order Extending the Temporary Restraining Order shall remain in effect until this Court enters its decision and order on the motions heard on April 19, 2017.
4. During the duration of this Temporary Restraining Order, VP is allowed on the Parcel 2 properties for the limited purpose of operating and maintaining the water systems that service *The Idaho Club* properties.

IT IS SO ORDERED.

DATED this 20 day of April 2017.




Barbara A. Buchanan
District Judge

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 20 day of April 2017, a true and correct copy of the foregoing document was served by the method indicated below upon the following party(ies):

Gary A. Finney, Esq. Finney Finney & Finney, P.A. 120 East Lake Street, Suite 317 Sandpoint, Idaho 83864 Telephone: 208.263.7712 Facsimile: 208.263.8211 <i>Counsel For J.V., LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail garyfinney@finneylaw.net
Richard L. Stacey, Esq. Jeff R. Sykes, Esq. Chad M. Nicholson, Esq. McConnell Wagner Sykes & Stacey PLLC 827 East Park Boulevard, Suite 201 Boise, Idaho 83712 Telephone: 208.489.0100 Facsimile: 208.489.0110 <i>Counsel For Valiant Idaho, LLC</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail stacey@mwsslawyers.com sykes@mwsslawyers.com nicholson@mwsslawyers.com
Susan P. Weeks, Esq. Daniel M. Keyes James, Vernon & Weeks, PA 1626 Lincoln Way Coeur d'Alene, Idaho 83814 Telephone: 208.667.0683 Facsimile: 208.664.1684 <i>Counsel For VP Incorporated/North Idaho Resorts</i>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail sweeks@jvwlaw.net dkeyes@jvwlaw.net


Clerk of the Court *Deputy*

STATE OF IDAHO
County of Bonner } ss
FILED Apr 21, 2017
AT _____ O'CLOCK _____ M
CLERK, DISTRICT COURT
Deputy [Signature]

CORRECTED
CERTIFICATE OF MAILING
BONNER CO. CASE: CV2009-1810
IDAHO SUPREME COURT DOCKET #44583, 44584, 44585

VALIANT IDAHO, LLC vs. NORTH IDAHO RESORTS; JV, LLC; VP
INCORPORATED

I hereby certify that on the 21st day of April, 2017 I caused a true and correct
copy of the **Clerk's Record** to be served to:

Richard L. Stacey
Jeff R. Sykes
Chard M. Nicholson
827 East Park Boulevard, Suite 201
Boise, Idaho 83712
ATTORNEYS FOR RESPONDENTS

via USPS Certified Mail tracking no:
7016 2070 0000 4878 2015

Gary A. Finney
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
ATTORNEY FOR APPELLANT JV

via USPS Certified Mail tracking no:
7016 2070 0000 4878 2022

Daniel M. Keys
Susan P. Weeks
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
ATTORNEYS FOR APPELLANTS VP and
NORTH IDAHO RESORTS

via USPS Certified Mail tracking no;
7016 2070 0000 4878 2039

[Signature]
Deputy Clerk

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 21 PM 4:56

CLERK DISTRICT COURT

CERTIFICATE OF MAILING

BONNER CO. CASE: CV2009-1810

IDAHO SUPREME COURT DOCKET #44583, 44584, 44585

GENESIS GOLF BUILDERS, INC.

VS. PEND OREILLE BONNER DEVELOPMENT, LLC

I hereby certify that on the 21st day of April, 2017 I caused a true and correct copy of the **Clerk's Record on Appeal** to be served to:

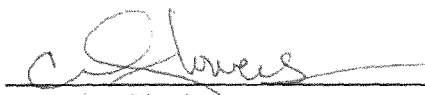
McConnell, Wagner, Sykes & Stacey
727 East Park Blvd., Ste. 201
Boise, Idaho 83720
Attn.: Richard Stacey

via Certified Mail
tracking no.:
7016 2070 0000 4878 2015

Finney, Finney & Finney
120 East Lake Street
Sandpoint, Idaho 83864
Attn.: John Finney

via Personal

via Certified Mail
tracking no.:
7016 2070 0000 4878 2039


Deputy Clerk

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT CRF Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT CRF Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee \$ <u>3.35</u>	Postmark Here
Extra Services & Fees (check box, add fees as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ <u>2.75</u>	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>2.67</u>	
Total Postage and Fees \$ <u>8.77</u>	
To <u>Daniel M. Kayes</u> Grant and Apt. No., or PO Box No. <u>1626 Lincoln Way</u> City, State, Zip+4 <u>Coeur d'Alene, Idaho 83814</u>	

9824

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 25 PM 4:46

CLERK DISTRICT COURT

Cf
DEPUTY

Susan P. Weeks, ISB. No. 4255
Daniel M. Keyes, ISB No. 9492
JAMES, VERNON & WEEKS, P.A.
1626 Lincoln Way
Coeur d'Alene, ID 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendant VP, INCORPORATED.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

VALIANT IDAHO, LLC, an Idaho limited
liability company,

Cross-Claimant/Third Party
Plaintiff/Respondent,

vs,

VP, INCORPORATED, an Idaho corporation,

Cross-Defendant/Appellant,

and

GENESIS GOLF BUILDERS, INC., formerly
known as National Golf Builders, Inc., a
Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC, a Nevada limited
liability company; R.E. LOANS, LLC, a
California limited liability company; DAN S.

Case No. CV-2009-01810

OBJECTION TO LODGED RECORD AND
OBJECTION TO CERTIFICATE OF
MAILING OF CLERK'S RECORD

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 1

✓ 98

JACOBSON, an individual; SAGE HOLDINGS LLC, an Idaho limited liability company; STEVEN G. LAZAR, an individual; PENSCO TRUST CO. CUSTODIAN FBO BARNEY NG; MORTGAGE FUND '08 LLC, a Delaware limited liability company; NORTH IDAHO RESORTS, LLC, an Idaho limited liability company; JV L.L.C., an Idaho limited liability company; WELLS FARGO FOOTHILL, LLC, a Delaware limited liability company; INTERSTATE CONCRETE AND ASPHALT COMPANY, an Idaho corporation; T-O ENGINEERS, INC., fka Toothman-Orton Engineering Company, an Idaho corporation; PUCCI CONSTRUCTION INC., an Idaho corporation; ACI NORTHWEST, INC., an Idaho corporation; LUMBERMENS, INC., dba Probuild, a Washington corporation; ROBERT PLASTER dba Cedar Etc.; R.C. WORST & COMPANY, INC., an Idaho corporation; DOES I through X,

Defendants, Cross-Defendants,

and

PEND OREILLE BONNER DEVELOPMENT, LLC, a Nevada limited liability company; BAR K, INC., a California corporation; TIMBERLINE INVESTMENTS, LLC, an Idaho limited liability company; AMY KORENGUT, a married woman; HLT REAL ESTATE, LLC, an Idaho limited liability company; INDEPENDENT MORTGAGE LTD. CO., an Idaho limited liability company; PANHANDLE MANAGEMENT INCORPORATED, an Idaho corporation; FREDERICK GRANT, an individual; CHRISTGIEN GRANT, an individual; RUSS CAPITAL GROUP, LLC, an Arizona limited liability company; Mountain West Bank, a division of GLACIER BANK, A Montana corporation; FIRST AMERICAN TITLE COMPANY, a California corporation; NETTA SOURCE LLC, a Missouri limited liability company; MONTAHEO INVESTMENTS, LLC, a Nevada limited liability company; CHARLES REEVES and ANN B. REEVES, husband and wife; and C.E. KRAMER CRANE & CONTRACTING, INC., an Idaho corporation,

Third Party Defendants.

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 2

COMES NOW, Appellant VP Incorporated ("VP"), by and through its undersigned counsel, and pursuant to Idaho Appellate Rule 29 hereby files this Objection to the "Clerk's Record" lodged April 4, 2017, in the above matter as well as an objection to the Certificate of Mailing of the Clerk's Record.

A. Objection to the Record

VP objects to the lodged record as follows:

1. The record is missing the following documents:

Date	ROA Entry
10/13/2009	Complaint
05/24/2010	Special Appearance on Behalf of Defendant Pensco Trust Co., Custodian FBO Barney NG
08/09/2010	Answer, Counterclaims, Crossclaims and Third Party Complaint of Defendant ACI Northwest, Inc.
10/05/2010	Special Appearance on Behalf of Defendant Mortgage Fund '08, LLC
10/14/2010	Appearance - Anna Eberlin for R.E. Loans, LLC
02/04/2011	Reply by R.E. Loans, LLC to Cross Claim by ACI Northwest, Inc.
04/21/2011	R.E. Loans, LLC's Answer to Complaint
05/18/2011	Order Granting Leave for Withdrawal of Attorney
09/29/2011	Stay Order (Re: Mortgage Fund '08, LLC)
09/29/2011	Stay Order (Re: R.E. Loans, LLC)
09/29/2011	Notice of Appearance - Wetzel
06/28/2012	R.E. Loans LLC's Request to Lift the Automatic Stay
08/24/2012	Order Granting R.E. Loans, LLC Request to Lift the Automatic Stay
06/26/2013	R.E. Loans, LLC's Motion to Lift Automatic Stay [Re: Mortgage Fund '08, LLC]
06/26/2013	Memorandum in Support of R.E. Loans, LLC's Motion to Lift Automatic Stay [Re: Mortgage Fund '08, LLC]
06/26/2013	Affidavit of Richard L. Stacey in Support of R.E. Loans, LLC's Motion to Lift Automatic Stay [Re: Mortgage Fund '08, LLC]
08/12/2013	Order Granting R.E. Loans, LLC's Motion to Lift Automatic Stay [re: Mortgage Fund '08 LLC]
08/12/2013	R.E. Loans, LLC's Motion for Entry of Default [re: Genesis Golf Builders, Inc]
08/12/2013	Affidavit of Richard L. Stacey in Support of R.E. Loans, LLC's Motion for Entry of Default [re: Genesis Golf Builders, Inc]

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING OF CLERK'S RECORD: 3

04/29/2014	R.E. Loans, LLC's Motion for Summary Judgment Against Cross-Claimant R.C. Worst & Company, Inc.
04/29/2014	R.E. Loans, LLC's Motion for Summary Judgment Against Cross-Claimant ACI Northwest, Inc
04/29/2014	Affidavit Farley Dakan in Support of R.E. Loans, LLC's Motion for Summary Judgment
04/29/2014	Affidavit of Charles Reeves in Support of R.E. Loans, LLC's Motion for Summary Judgment
06/02/2014	Order Dismissing R.C. Worst & Company, and all Claims, Counterclaims, and Cross Claims Thereof Pursuant to Oral Offer of Resolution Advanced to the Court on May 28th, 2014
07/18/2014	Notice of Change of Firm Affiliation
07/21/2014	Judgment (3 pgs)
07/21/2014	Motion to Substitute Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
07/21/2014	Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of R.E. Loans, LLC as the Real Party in Interest
08/18/2014	Motion to Substitute Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest
08/19/2014	Defendant: Valiant Idaho LLC, Appearance Richard L Stacey
08/19/2014	Valiant Idaho, LLC's Counterclaim, Cross-Claim and Third Party Complaint for Judicial Foreclosure
09/03/2014	Summons on Third Party Complaint Brought by Third Party Plaintiff Valiant Idaho, LLC [Pend Oreille Bonner Development Holdings, Inc.] - Issued original to file
09/10/2014	Valiant Idaho, LLC's Notice of Intent to Take Default
09/12/2014	Order Substituting Valiant Idaho, LLC in Place of Wells Fargo Capital Finance, LLC as the Real Party in Interest
09/15/2014	JV LLC's Special Appearance Contesting Jurisdiction; and JV LLC's Answer to Complaint; and JV L.L.L.'s Answer to Valiant Idaho, LLC's Counterclaim. Cross-Claim and Third Party Complaint for Judicial Foreclosure; and JV LLC's Cross Claim; and JV LLC's Third Party Complaint
10/03/2014	Acceptance of Service by VP, Incorporated of Valiant Idaho, LLC's Counterclaim, Cross-Claim and Third Party Complaint for Judicial Foreclosure
10/06/2014	VP, Incorporated's Motion to Dismiss Third Party Complaint
10/06/2014	Motion to Substitute Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest
10/06/2014	Declaration of Richard L Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest
10/06/2014	Motion to Substitute Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 4

	Party in Interest
10/06/2014	Declaration of Richard L. Stacey in Support of Motion to Substitute Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest
10/20/2014	Affidavit of Service - Sherry A. Wagner registered agent accepted service for Montaheno Investments, LLC 09-28-2014
11/05/2014	Motion for Leave to Amend Answer to Allege a Counterclaim and Cross-Claim, and to Serve Third Party Complaint
11/05/2014	Memorandum in Opposition to VP, Incorporated's Motion to Dismiss Third Party Complaint or, in the Alternative, Motion for Leave to Amend Answer to Allege a Counterclaim and Cross-Claim. and to Service Third Party Complaint
11/14/2014	VP, Incorporated's Reply on Motion to Dismiss Third Party Complaint and Response to Motion to Amend Pleadings
11/19/2014	Order Granting Valiant Idaho, LLC Leave to Serve Its Third Party Complaint
11/19/2014	Order Granting Valiant Idaho, LLC Leave to Amend Answer to Allege a Counterclaim and Cross-Claim
11/19/2014	Order Substituting Valiant Idaho, LLC in Place of Pensco Trust Co. as the Real Party in Interest
11/19/2014	Order Substituting Valiant Idaho, LLC in Place of Mortgage Fund '08 LLC as the Real Party in Interest
11/19/2014	Order Denying VP, Incorporated's Motion to Dismiss Third Party Complaint
11/20/2014	Order Setting Trial and Pretrial Order
11/20/2014	Order on Stipulation to Entry of Judgment Against Pend Oreille Bonner Development Holdings, Inc
11/24/2014	Valiant Idaho, LLC's Motion for Leave to Amend Third Party Complaint to Join an Additional Party
12/01/2014	Cross-Defendant, VP, Incorporated's Request for Extension of Time to Answer or Otherwise Plead to Valiant, LLC's Amended Answer to Allege a Counter-Claim and Cross-Claim, and to Serve Third Party
12/03/2014	Order Granting Cross-Defendant, VP, Incorporated's Request for Extension of Time to Answer or Otherwise Plead to Valiant LLC's Amended Answer to Allege A Counter-Claim and Cross-Claim, and to Serve Third Party
12/11/2014	VP, Incorporated's Answer to Valiant Idaho, LLC's Counterclaim, Cross-Claim and Third Party Complaint for Judicial Foreclosure
01/14/2015	Valiant Idaho, LLC's Identification of Trial Exhibits
01/20/2015	Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC., North Idaho Resorts, LLC, and VP, Incorporated
01/20/2015	Memorandum in Support of Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LL., North Idaho Resorts, LLC, and VP, Incorporated
01/20/2015	Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC., North Idaho Resorts, LLC, and VP,

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 5

	Incorporated
01/20/2015	Affidavit of Charles W. Reeves
02/04/2015	Defendants North Idaho Resorts, LLC and VP Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment
02/04/2015	Request for Judicial Notice
02/04/2015	Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC, North Idaho Resorts, LLC and VP Incorporated
03/11/2015	Memorandum in Reply to North Idaho Resorts, LLC and VP, Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion for Summary Judgment
04/14/2015	Memorandum Decision & Order Granting Valiant Idaho, LLC's Motion for Summary Judgment Against JV, LLC, North Idaho Resorts, LLC, and VP, Incorporated
05/20/2015	Declaration of Jeff R. Sykes in Support of Valiant Idaho, LLC's Motion for Entry of Final Judgment
05/20/2015	Memorandum in Support of Valiant Idaho, LLC's Motion for Entry of Final Judgment
05/20/2015	Valiant Idaho, LLC's Motion for Entry of Final Judgment
05/20/2015	Declaration of C. Dean Shafer in Support of Valiant Idaho, LLC's Motion for Entry of Final Judgment
06/16/2015	Renewed Motion for Reconsideration and Clarification
06/16/2015	Memorandum in Support of Renewed Motion for Reconsideration and Clarification
06/23/2015	Memorandum Decision and Order Granting Motion for Entry of Final Judgment
07/06/2015	Memorandum in Opposition to North Idaho Resorts, LLC and VP, Inc.'s Renewed Motion for Reconsideration and Clarification
07/07/2015	Reply Memorandum in Support of Renewed Motion for Reconsideration and Clarification
07/21/2015	Memorandum Decision and Order re: 1. JV, LLC, North Idaho Resorts, LLC, and VP, Incorporated's Motion to Reconsider 2. Valiant's Request for Entry of Proposed Final Judgment and Decree of Foreclosure and Sale
07/22/2015	Valiant Idaho, LLC's Motion for an Order of Sale of Real Property
07/22/2015	Memorandum in Support of Valiant Idaho, LLC's Motion for an Order of Sale of Real Property
07/22/2015	Declaration of C. Dean Shafer in Support of Valiant Idaho, LLC's Motion for an Order of Sale of Real Property
07/22/2015	Declaration of Charles W. Reeves in Support of Valiant Idaho, LLC's Motion for an Order of Sale of Real Property
08/04/2015	Objection to Motion for an Order of Sale of Real Property [VP and NIR]

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 6

08/04/2015	Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion for Motion for Order of Sale
08/04/2015	Objection to Motion for an Order of Sale of Real Property
08/05/2015	Decree of Foreclosure
08/05/2015	Judgment
08/19/2015	Valiant Idaho, LLC's Motion to Amend Decree of Foreclosure
08/19/2015	Memorandum in Support of Valiant Idaho, LLC's Motion to Amend Decree of Foreclosure
08/19/2015	Declaration of Charles W. Reeves in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider Order for Sale of Real Property
08/19/2015	Declaration of Chad M. Nicholson in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property
08/19/2015	Declaration of C. Dean Shafer in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider Order for Sale of Real Property
08/19/2015	Notice of Hearing on Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property
08/19/2015	Memorandum in Support of Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property
08/19/2015	Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property
08/19/2015	North Idaho Resorts, LLC and VP, Inc.'s Motion to Reconsider and Motion to Alter and Amend Judgment
08/19/2015	North Idaho Resorts, LLC and VP, Inc.'s Memorandum in Support of Motion to Reconsider and Motion to Alter and Amend Judgment
08/19/2015	Affidavit of Susan P. Weeks in Support of North Idaho Resorts, LLC and V.P. Inc's Motion to Reconsider, and Motion to Alter and Amend Judgment
08/21/2015	V.P. Incorporated's Answer to JV, LLC's Cross-Claim
08/24/2015	Stipulation for Settlement and for Judgment as Between Defendant V.P., Inc. and North Idaho Resorts and the Defendant JV, L.L.C.
08/26/2015	North Idaho Resorts, LLC and VP, Inc.'s Memorandum in Opposition to Valiant Idaho's Motion to Amend Decree of Foreclosure and Motion to Alter, Amend and/or Reconsider the Order of Sale of Real Property
08/26/2015	Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale
08/27/2015	Errata to Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Motion to Alter, Amend and/or Reconsider the Order of Sale
09/03/2015	Order Setting Trial And Pretrial Order
09/04/2015	Memorandum Decision and Order Granting In Part Reconsideration of the July 21, 2015, Memorandum Decision & Order
09/17/2015	Notice Re: Proposed Judgment (As Between Defendant V.P. , Inc. and North Idaho

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 7

	Resorts and the Defendant JV, L.L.C.)
09/17/2015	Order Vacating Judgment Entered on August 5, 2015
09/17/2015	Order Vacating Decree of Foreclosure Entered on August 5, 2015
09/18/2015	Second Subpoena Duces Tecum to First American Title Company
09/25/2015	Valiant Idaho, LLC's Third Motion for Summary Judgment
09/25/2015	Declaration of Barney NG in Support of Valiant Idaho, LLC's Third Motion for Summary Judgment
10/01/2015	Valiant Idaho, LLC's Objections and Opposition to North Idaho Resorts, LLC and VP, Incorporated's Motion to Reconsider and Motion to Alter and Amend Judgment
10/09/2015	Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence
10/09/2015	Memorandum in Support of Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence
10/13/2015	Affidavit of James Berry on Behalf of JV, LLC in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment
10/13/2015	Defendants North Idaho Resorts and VP, Incorporated's Motion for Judicial Notice of Declaration of Barney Ng
10/13/2015	Declaration of Susan P. Weeks in Opposition to Valiant's Third Motion for Summary Judgment
10/13/2015	Defendants North Idaho Resorts, LLC and VP Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment
10/14/2015	Declaration of Richard Villelli in Opposition to Valiant Idaho, LLC's Third Motion For Summary Judgment Against JV, L.L.C., North Idaho Resorts, LLC, and VP, Incorporated
10/16/2015	Defendants North Idaho Reports, LLC and VP Incorporated's Memorandum in Opposition to Valiant Idaho, LLC's Motion to Strike Inadmissible Evidence
10/20/2015	Declaration of Barney NG in Support of Valiant Idaho, LLC's Reply to North Idaho Resorts, LLC's and VP, Incorporated Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment
10/20/2015	Memorandum in Reply to North Idaho Resorts, Inc., and VP, Incorporated Opposition to Valiant Idaho, LLC's Third Motion for Summary Judgment
10/22/2015	North Idaho Resorts, LLC and V.P., Inc's Reply Memorandum in Support of Motion to Reconsider and Motion to Alter and Amend Judgment
10/22/2015	Errata to Declaration of Susan P. Weeks in Opposition to Valiant's Third Motion for Summary Judgment
10/22/2015	Defendants North Idaho Resorts, LLC and VP Incorporated's Memorandum in Support of Motion to Strike the Declarations of Barney NG and Chad M. Nicholson
10/30/2015	Memorandum Decision & Order re: Motions Heard on October 23, 2015
11/12/2015	Certificate of Service re: re-faxing of MEMORANDUM DECISION & ORDER

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 8

	re: MOTIONS HEARD ON OCTOBER 23rd 2015 (filed OCTOBER 30th 2015) - to all parties
12/29/2016	Order re: Valiant Idaho LLC's Motions in Limine
01/14/2016	Valiant Idaho, LLC's Identification of Trial Witnesses
01/27/2016	VP Inc.'s Motion to Amend Answer to Assert an Affirmative Defenses
04/14/2016	Declaration of William Haberman in Support of Valiant Idaho, LLC's Closing Argument
04/21/2016	VP INC's Motion to Strike the Declaration of William Haberman
04/21/2016	Memorandum in Support of VP INC's Motion to Strike the Declaration of William Haberman
04/27/2016	Order Denying Motions to Strike
05/27/2016	Memorandum Decision and Order re: court trial held on January 28 and 29 and March 16 and 17, 2016
06/22/2016	Valiant Idaho, LLC's Motion for an Order of Sale of Real Property
06/22/2016	Memorandum in Support of Valiant Idaho, LLC's Motion for Order of Sale of Real Property
06/29/2016	Objection to Valiant Idaho's Second Motion for an Order of Sale of Real Property
07/06/2016	Valiant Idaho, LLC's Memorandum of Costs and Attorney's Fees
07/06/2016	Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum of Costs and Attorneys' Fees
07/14/2016	Order re: Order of Sale of Real Property
07/20/2016	Decree of foreclosure
07/20/2016	Judgment
08/03/2016	VP INC's Motion for New Trial
08/03/2016	Declaration of Weeks in Support of VP Inc.'s Motion for New Trial
08/03/2016	Memorandum in Support of VP INC's Motion for New Trial
08/03/2016	VP INC's Motion to Alter, Amend, and Reconsider The Decree of Foreclosure and Judgment
08/03/2016	Memorandum in Support of VP INC's Motion to Alter, Amend, and Reconsider the Decree of Foreclosure and Judgment
08/04/2016	Order Denying VP Inc.'s Request for Oral Argument on Motion to Alter, Amend and Reconsider
08/10/2016	Declaration of Richard L. Stacey in Support of Valiant Idaho, LLC's Memorandum Responses to VP Inc's and JV LLC's Objection and Motion to Disallow Memorandum of Costs and Attorney Fees
8/11/2016	Valiant Idaho, LLC's Memorandum in Response to VP, Inc's Objection and Motion to Disallow Memorandum of Costs and Attorneys' Fees
08/15/2016	Reply Memorandum to Valiant's Opposition to Motion for New Trial
08/16/2016	Memorandum Decision and Order Denying JV, LLC's and VP, Incorporated's

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 9

	Motions to Alter, Amend and Reconsider
08/22/2016	Judgment re: Costs and Attorneys' Fees
08/22/2016	Memorandum Decision Order Awarding Costs and Attorneys' Fees to Valiant Idaho, LLC
08/25/2016	Memorandum Decision Order Denying VP, INC.'s Motion for New Trial

2. The record is missing a chronological table of contents of the documents included in the entire record and is also missing an alphabetical index indicating the volume and page where each pleading, document or paper may be found as required by Idaho Appellate Rule 28(g).

3. The record does not a list of all exhibits offered, whether or not admitted as required by Idaho Appellate Rule 28(b)(1). The record also lacks any indication that the lodged the exhibits requested by VP with the Supreme Court as required by Idaho Appellate Rule 31.

VP's request that exhibits be lodged follows:

All exhibits admitted at trial, and any exhibits offered by VP, Inc. or JV, LLC and refused by the Court should be copied and sent to the Supreme Court. The exhibits which fit this criterion are: Exhibit Nos. 1, 2, 3, 4, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,, 30-A, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43,, 45, 47, 50, 51, 53, 54, 60, 63, 64, 65, 65A, 66, 68, 69, 770, 71, 72, 73, 74, 7, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 95, 96, 97, 98, 99, 100, 105, 113, 114, 115, 116, 117, 18, 119, 10, 205, 210, 21, 2313, 214, 216, 217, 218, 219, 220, 221, 222, 228, 229, 237, 240, 246, 249, 250, 251, 252, 253, 254, 256, 257, 258, 260, 261, 262, 267, 268, 269, B, I, J, K, L, O, P, Q, V, W, X, Y, Z, AA, BB, DD, and FF.

B. Objection to the Certificate of Mailing of the Clerk's Record

The Clerk's Certificate of Mailing indicates that "on the 4th day of April" Corinne Flowers, deputy clerk, "caused a true and correct copy of the **Clerk's Record** dated April 4 to be served" on counsel for VP. (Emphasis in original). The certificate of mailing then lists the USPS Certified Mail tracking numbers for each mailing. The certificate of mailing lists the tracking number for the mailing to VP as "7016 2070 0000 4878 2039." Entering that tracking number

OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 10

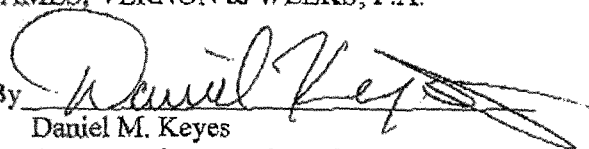
into the United States Postal Service's USPS Tracking Results indicates that the mailing did not arrive at a USPS facility until April 21, 2017, at 8:15 pm. The envelope received by VP's attorneys also indicates that the Clerk's Record was not mailed until April 21, 2017. Copies of the USPS Product & Tracking Information and the envelope received by VP's attorneys were attached to VP's Receipt of Clerk's Record filed with the Court on April 25, 2017.

The Certificate of Mailing of the Clerk's Record is not accurate when Ms. Flowers states that she caused the record to be served on April 4, 2017. The Certificate of Mailing should therefore be amended to state the true and correct date that Ms. Flowers caused the record to be mailed.

DATED this 25th day of April, 2017.

JAMES, VERNON & WEEKS, P.A.

By


Daniel M. Keyes

Attorneys for Appellant VP Incorporated

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 25th day of April, 2017.

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Facsimile: 208-263-8211

Gary A. Finney
Finney, Finney & Finney, P.A.
120 E Lake St., Ste. 317
Sandpoint, ID 83864

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Overnight Mail
☐ Facsimile: 208-489-0110

Richard L. Stacey
McConnell Wagner Sykes Stacey
827 East Park Boulevard, Suite 201
Boise, Idaho 83712



OBJECTION TO LODGED RECORD AND OBJECTION TO CERTIFICATE OF MAILING
OF CLERK'S RECORD: 11

Susan P. Weeks, ISB No. 4255
Daniel M. Keyes, ISB No. 9492
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 26 PM 12:57

CLERK DISTRICT COURT

DEPUTY

Attorneys for Defendants North Idaho Resorts, LLC and VP, Incorporated

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., formerly
known as National Golf Builders, Inc., a
Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC, a Nevada limited
liability company; et al.,

Defendants.

AND RELATED COUNTER, CROSS AND
THIRD PARTY ACTIONS PREVIOUSLY
FILED HEREIN

Case No. CV 2009-01810

NOTICE OF HEARING ON NORTH
IDAHO RESORTS, LLC AND VP, INC.'S
OBJECTION TO LODGED RECORD AND
OBJECTION TO CERTIFICATE OF
MAILING OF CLERK'S RECORD

DATE: May 17, 2017
TIME: 9:00 a.m.

PLEASE TAKE NOTICE that on May 17, 2017 at the hour of 9:00 a.m., or as soon thereafter as the matter may be heard, in the Bonner County Courthouse, the undersigned shall present for hearing their Objection to Lodged Record and Objection to Certificate of Mailing of Clerk's Record before the Honorable Barbara Buchanan.

DATED this 26th day of April 2017.

JAMES, VERNON & WEEKS, P.A.

By Daniel M. Keyes
Daniel M. Keyes

AMENDED NOTICE OF HEARING ON VP, INC.'S MOTION TO DISSOLVE
TEMPORARY RESTRAINING ORDER: 1

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 26th day of April 2017:

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Facsimile: 208-263-8211

Gary A. Finney
FINNEY FINNEY & FINNEY, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Facsimile: 208-489-0110

Richard Stacey
Jeff Sykes
McConnell Wagner Sykes & Stacey, PLLC
827 E. Park Blvd., Ste. 201
Boise, ID 83712

Christine Elmose

Susan P. Weeks, ISB No. 4255
Daniel M. Keyes, ISB No. 9492
JAMES, VERNON & WEEKS, PA
1626 Lincoln Way
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-0683
Facsimile: (208) 664-1684
sweeks@jvwlaw.net

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 APR 26 PM 12:57

CLERK DISTRICT COURT


DEPUTY

Attorneys for Defendants North Idaho Resorts, LLC and VP, Incorporated

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., formerly
known as NATIONAL GOLF BUILDERS,
INC., a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
DEVELOPMENT, LLC, a Nevada limited
liability company; et al.,

Defendants.

Case No. CV-2009-01810

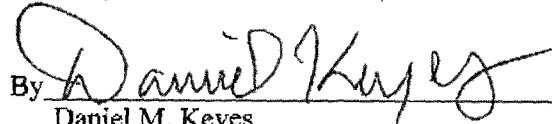
NOTICE OF FILING PROPOSED ORDER

AND RELATED COUNTER, CROSS
AND THIRD PARTY ACTIONS
PREVIOUSLY FILED HEREIN

COMES NOW Defendant VP Incorporated, by and through its undersigned attorney, and
in compliance with the Court's order at the hearing held on April 19, 2017, hereby submits the
proposed order attached hereto.

DATED this 26th day of April, 2017.

JAMES, VERNON & WEEKS, P.A.

By 
Daniel M. Keyes
Attorneys for VP Incorporated

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this 24th day of April, 2017:

____ U.S. Mail, Postage Prepaid
____ Hand Delivered
✓ Facsimile: 208-489-0110

Richard Stacey
Jeff Sykes
McConnell Wagner Sykes & Stacey, PLLC
827 E. Park Blvd., Ste. 201
Boise, ID 83712

____ U.S. Mail, Postage Prepaid
____ Hand Delivered
✓ Facsimile: 208-263-8211

Gary A. Finney
Finney, Finney & Finney, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864

Christine Elmose

Susan P. Weeks, ISB No. 4255
 Daniel M. Keyes, ISB No. 9492
 JAMES, VERNON & WEEKS, PA
 1626 Lincoln Way
 Coeur d'Alene, Idaho 83814
 Telephone: (208) 667-0683
 Facsimile: (208) 664-1684
sweeks@jvwlaw.net

Attorneys for Defendants North Idaho Resorts, LLC and VP, Incorporated

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

GENESIS GOLF BUILDERS, INC., formerly
 known as NATIONAL GOLF BUILDERS,
 INC., a Nevada corporation,

Plaintiff,

vs.

PEND OREILLE BONNER
 DEVELOPMENT, LLC, a Nevada limited
 liability company; et al.,

Defendants.

Case No. CV-2009-01810

[Proposed]
 ORDER GRANTING STAY PURSUANT
 TO IAR 13(b)(10)

AND RELATED COUNTER, CROSS
 AND THIRD PARTY ACTIONS
 PREVIOUSLY FILED HEREIN

THIS MATTER having come before the Court on VP's Motion for Order Allowing Use and Access of Parcels 1 and 2, the Court having reviewed the submissions of the parties, and hearing having been held on April 19, 2017, wherein each party presented argument to the Court, and good cause appearing therefore;

IT IS HEREBY ORDERED that VP's Motion for Order Allowing Use and Access of Parcels 1 and 2 is GRANTED pursuant to I.A.R. 13(b)(10) as follows, during the pendency of appeal:

1. VP shall be responsible for the operation of the sewer system for the Hidden Lakes and Idaho Club subdivisions ("Sewer System").

2. VP shall be responsible for the ordinary operating and maintenance costs of the Sewer System.

3. VP shall not collect a connection fee for any connection of the 154 foreclosed parcels purchased by Valiant at the Sheriff's sale ("154 Foreclosed Parcels") to the Sewer System.

4. VP and Valiant shall enter into an interim Compliance Agreement Schedule (CAS) with the Idaho Department of Environmental Quality (DEQ), which requires VP to continue as the responsible official under the Municipal Wastewater Reuse Permit (LA-000123-02), wherein Valiant shall allow VP to operate the Sewer System and land apply effluent from the Lagoon to the golf course and VP shall continue to employ its responsible charge operator (RCO).

5. VP is allowed to enter Parcel 1 to facilitate operation of the Sewer System.

6. Both Valiant and VP are to allow sewage to flow through the infrastructure located on or under any and all of the 154 Foreclosed Parcels. VP shall be responsible for daily maintenance of the Sewer System at its own expense.

7. VP shall be entitled to collect and utilize operations, maintenance, and hookup fees for the Sewer System, except on any of the 154 Foreclosed Parcels which remain vacant.

8. Valiant has the right to utilize and occupy the property within the 154 Foreclosed Parcels containing infrastructure for the Sewer System so long as its use and occupation does not interfere with or impede the operation and maintenance of the Sewer System.

9. VP may secure the Sewer System with locks. If at any time Valiant needs to access the Sewer System it shall be coordinated with Valiant's engineers, Steve Cordes, and VP's operator, Waster Services Management, Inc., with no less than 72 hours notice.

10. VP shall be responsible for the operation of the water system for the Hidden Lakes and Idaho Club subdivisions ("Water System").

11. VP shall be responsible for the ordinary operating and maintenance costs of the Water System.

12. VP shall not collect a connection fee for any connection of the 154 foreclosed parcels purchased by Valiant at the Sheriff's sale ("154 Foreclosed Parcels") to the Water System.

13. VP is allowed to enter Parcel 2 to facilitate operation of the Water System.

14. Both Valiant and VP are to allow water to flow through the infrastructure located on or under any and all of the 154 Foreclosed Parcels. VP shall be responsible for daily maintenance of the Water System at its own expense.

15. VP shall be entitled to collect and utilize operations, maintenance, and hookup fees for the Water System, except on any of the 154 Foreclosed Parcels which remain vacant.

16. Valiant has the right to utilize and occupy the property within the 154 Foreclosed Parcels containing infrastructure for the Water System so long as its use and occupation does not interfere with or impede the operation and maintenance of the Water System.

17. VP may secure the Water System with locks.

DATED this ____ day of _____, 2017.

BARBARA BUCHANAN
District Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following persons in the manner indicated this ____ day of _____, 2017:

____ U.S. Mail, Postage Prepaid
____ Hand Delivered
____ Facsimile: 208-489-0110

Richard Stacey
Jeff Sykes
McConnell Wagner Sykes & Stacey, PLLC
827 E. Park Blvd., Ste. 201
Boise, ID 83712

____ U.S. Mail, Postage Prepaid
____ Hand Delivered
____ Facsimile: 208-664-1684

Susan P. Weeks
James, Vernon & Weeks, P.A.
1626 Lincoln Way
Coeur d'Alene, ID 83814

____ U.S. Mail, Postage Prepaid
____ Hand Delivered
____ Facsimile: 208-263-8211

Gary A. Finney
Finney, Finney & Finney, PA
120 E Lake St., Ste. 317
Sandpoint, ID 83864